



U.S. Department of Homeland Security

United States Coast Guard

## Fifth Coast Guard District LOCAL NOTICE TO MARINERS

Coastal Waters From Shrewsbury River, New Jersey to Little River, South Carolina

### MONTHLY EDITION

October 05, 2004

[HTTP://www.navcen.uscg.gov](http://www.navcen.uscg.gov)

The monthly edition of the Local Notice to Mariners contains all information relevant to the waterways within the Fifth Coast Guard District. The Local Notice to Mariners (LNM) is updated each Tuesday on the U.S. Coast Guard Navigation Center website at [www.navcen.uscg.gov/lnm/d5](http://www.navcen.uscg.gov/lnm/d5). If you have questions about the LNM, contact:

**COMMANDER, FIFTH COAST GUARD DISTRICT (OAN)**

**431 Crawford Street, Portsmouth, Virginia, 23704-5004**

**Telephone (Day): 757-398-6486. 24 Hour FAX: (757) 398-6303**

### BROADCAST NOTICE TO MARINERS

This section contains corrections to federal and private maintained Aids to Navigation, as well as NOS corrections. Navigation information having been of immediate concern to the Mariner and promulgated by the following Broadcast Notice to Mariners (BNM's) have been incorporated in this notice when still significant at the date of this publication.

CCGD5 (D5)	<b>D5</b> 358-04, 359-04, 433-04, 443-04, 444-04, 446-04 THRU 449-04.
Group Philadelphia	<b>PH</b> 320-03, 321-03, 026-04, 0145-04, 101-04, 178-04, 208-04, 215-04, 224-04, 231-04, 265-04, 294-04, 337-04, 338-04, 339-04, 343-04, 344-04.
Group Atlantic City	<b>AC</b> 357-04, 359-04, 361-04, 367-04, 368-04, 369-04, 373-04.
Activities Baltimore	<b>BA</b> 639-04, 640-04, 653-04, 654-04, 659-04, 667-04, 670-04, 679-04, 696-04, 701-04, 703-04, 704-04, 710-04, 712-04 THRU 718-04, 720-04, 722-04, 726-04, 732-04, 739-04, 741-04, 745-04, 751-04, 776-04, 777-04, 780-04, 789-04, 790-04, 791-04, 793-04.
Group Eastern Shore	<b>ES</b> 138-04, 148-04, 150-04.
Group Hampton Roads	<b>HR</b> 447-04 THRU 450-04, 454-04, 460-04, 461-04.
Group Cape Hatteras	<b>CH</b> 180-04, 181-04.
Group Fort Macon	<b>FM</b> 358-04, 360-04, 369-04, 390-04, 391-04, 392-04.

REFERENCES: Light List Reference: **ATLANTIC COAST, VOLUME II, COMDTPUB P16502.2, 2004 Edition**

**U.S. Coast Pilot 3, Atlantic Coast: Sandy Hook to Cape Henry (37<sup>th</sup>) Edition.**

**U.S. Coast Pilot 4, Atlantic Coast: Cape Henry to Key West (36<sup>th</sup>) Edition.**

All bearings are in degrees TRUE - All times are in Local Time unless otherwise noted.

All positions cited use North American Datum 1983 (NAD 83)

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## NAVIGATION INTERNET SITES

Chart Corrections:	<a href="http://chartmaker.ncd.noaa.gov">http://chartmaker.ncd.noaa.gov</a> and <a href="http://www.maptech.com">http://www.maptech.com</a>
2004 Light List/ Summary of Corrections	<a href="http://www.navcen.uscg.gov/pubs/LightLists/LightLists.htm">http://www.navcen.uscg.gov/pubs/LightLists/LightLists.htm</a>
Coast Pilot Corrections:	<a href="HTTP://nauticalcharts.noaa.gov/nsd/cpdownload.htm">HTTP://nauticalcharts.noaa.gov/nsd/cpdownload.htm</a>
D5 LNM on Internet/Archived Back Issues for 2004:	<a href="HTTP://www.navcen.uscg.gov/lnm/d5">HTTP://www.navcen.uscg.gov/lnm/d5</a>
Chesapeake Bay Weather Buoys:	<a href="Http://www.cbos.org/client.cgi">Http://www.cbos.org/client.cgi</a>
NOAA Weather Buoy sites:	<a href="http://seaboard.ndbc.noaa.gov/Maps/wrldmap.shtml">http://seaboard.ndbc.noaa.gov/Maps/wrldmap.shtml</a>
Tides On Line:	<a href="http://www.tidesonline.nos.noaa.gov">http://www.tidesonline.nos.noaa.gov</a>
Tides, Currents, PORTS:	<a href="http://www.co-ops.nos.noaa.gov">http://www.co-ops.nos.noaa.gov</a>
ACOE Navigation Link for ICW and coastal inlets	<a href="http://www.saw.usace.army.mil/nav/nav.htm">http://www.saw.usace.army.mil/nav/nav.htm</a>
Weather:	<a href="http://www.intellicast.com/">http://www.intellicast.com/</a>
LANTAREA/ District 5 Local Notice To Mariners for correspondence:	<a href="http://d5local@lantd5.uscg.mil">http://d5local@lantd5.uscg.mil</a>

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## **I. SPECIAL NOTICES:** This section contains information of Special concern to the Mariner.

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### **FIFTH COAST GUARD DISTRICT WATERS – INCREASED THREAT LEVEL**

The U.S. Coast Guard is asking for assistance from all mariners to be on the lookout while they are transiting the local waterways. The Department of Homeland Security (DHS) and Coast Guard are asking you report any suspicious or peculiar activity that you may observe. Please make all reports to the U.S. Coast Guard via VHF-FM CH 16 or by using your cell phone to dial 911, the National Response Center (NRC) at 1-800-424-8802 or to the DHS Watch and Warning unit at (202) 323-3205.

### **CHESAPEAKE BAY-REGULATED NAVIGATION AREA (RNA) REQUIREMENTS FOR PORT ENTRY/TRANSIT/DEPARTURE.**

Mariners have been advised that there has been an amendment to the **Chesapeake Bay Regulated Navigation Area** which requires all vessels 300 gross tons and over, including tug and barge combined, to obtain permission prior to entering, departing, and/or moving within the **Regulated Navigation Area**. To obtain permission, vessels shall contact the **Joint Harbor Operations Center (JHOC)** prior to entry or movement via VHF-FH CH 12, alternate 13/16 and relay vessel documentation number, IMO number or VIN for verification. This includes entries from offshore, James River, Chesapeake Bay or Intracoastal Waterway. Alternate JHOC phone numbers are (757) 444-5210/5209. If the JHOC cannot be reached, the Captain of the Port (COTP) Command Duty Officer may be reached at (757) 668-5555.

### **PORTS AND WATERWAYS INFORMATION LINE**

A Coast Guard toll-free hotline is now available to provide both commercial and recreational mariners with the latest, up-to-date information on local waterways and port openings, closures and restrictions. The **Coast Guard Maritime Safety Line**, 1-800-682-1796, has information from over 30 Coast Guard Captains of the Port (COTP) from the Mississippi River to the Atlantic Ocean. The Safety Line is broken into five regions:

**Northeast Region** - Eastern New York, Rhode Island, Maine and Massachusetts.

**Mid-Atlantic/Southeast Region** - Eastern and southern Florida, South and North Carolina, Virginia, Maryland and eastern Pennsylvania.

**Gulf Region** - Northwest Florida, Alabama, Louisiana and Texas.

**Great Lakes Region** - Western New York, Ohio, Michigan, Illinois, Wisconsin and Minnesota.

**Mid-West Rivers Region** - Missouri, West Virginia, western Pennsylvania, Kentucky and Tennessee.

Puerto Rico has its own information line with information on 22 ports at (787)-706-2415.

### **REQUIRED BALLASTWATER MANAGEMENT REPORTS FOR VESSELS OPERATING OUTSIDE THE EEZ**

Mariners are reminded that in accordance with 33 CFR 151.2040, all vessels which carry ballast water, including residual ballast water and sediments, are asked to submit a ballast water management report after operating outside the EEZ at their first port of call in U.S. waters. These reports may be transmitted electronically to <http://invasions.si.edu/ballast.htm>, e-mailed to [ballast@serc.si.edu](mailto:ballast@serc.si.edu), faxed to Commandant, U.S. Coast Guard, c/o the NBIC at 301-261-4319, or mailed to U.S. Coast Guard, c/o Smithsonian Environmental Research Center (SERC), P.O. Box 28, Edgewater, MD. 21037-0028.

### **AVAILABILITY OF A NATIONAL OCEAN SERVICE CRITICAL CHART CORRECTIONS WEB SITE**

The Office of Coast Survey, National Ocean Service (NOS) and NOAA, announces a new Internet service to the marine public at the following web site: <http://chartmaker.ncd.noaa.gov>. This service provides advance notification of critical chart corrections identified by NOS cartographers during nautical chart updating activities. Critical chart corrections are either recently identified hazards to navigation or are information regarded by NOS as essential for safe navigation, e.g. channel conditions, bridge and cable clearances, regulatory changes. Critical chart corrections posted on this web site are forwarded to the United States Coast Guard (USCG) and the National Geo-Spatial Intelligence (NGA) for inclusion in their **Local Notice To Mariners (LNM)** and **Notice To Mariners (NTM)** respectively. Additionally, updates to the **United States Coast Pilot, Volumes 1-9**, are posted on this web site. This web site must not be viewed as a substitute for either the **USCG LNM** or the **NIMA NTM**. Aid to navigation changes and other important information published in USCG and NIMA notices are not available on this web site.

### **USCG NAVIGATIONAL INFORMATION SERVICE (NIS)/USCG NAVIGATION CENTER**

The United States Coast Guard Navigational Information Service (NIS), operated by the USCG Navigation Center, is staffed 24 hours a day, 7 days a week. The NIS provides information on the current operational status, effective policies, and general information on GPS, DGPS, and LORAN-C. The NIS also disseminates **Safety Broadcasts (BNM)**, **Local Notice to Mariners (LNM)**, and the latest **Notice Advisory to Navstar (NANU)**. NANU notices can also be obtained via e-mail subscription through the USCG Navigation Center website (<http://www.navcen.uscg.gov/gps/status/default.htm>). In addition, the NIS investigates all reports of degradation or loss of GPS, DGPS or LORAN service. Mariners are encouraged to report all degradation of radio navigation services to the NIS via any of the following: Phone: 703-313-5900, Email: [webmaster@navcen.uscg.mil](mailto:webmaster@navcen.uscg.mil) or on the World Wide Web at <http://www.navcen.uscg.gov>.

## **NAUTICAL CHART UPDATES**

The National Ocean Service (NOS) has moved and expanded the function of its "**critcorr**" website. The new "Nautical Chart Updates" website allows the mariner to update their nautical charts from one database that includes information from NOS, and NGA Notice to Mariners, the **Coast Guard Local Notice to Mariners** and the **Canadian Coast Guard Notice to Mariners**. To access the website and for more information go to: <http://chartmaker.ncd.noaa.gov/> and click on "Chart Updates".

## **DATES OF LATEST EDITIONS FOR NAUTICAL CHARTS**

The Dates of Latest Editions, Nautical Charts and Miscellaneous Maps, dated July 1, 2004, published by the National Ocean Service, is available for issue. It may be obtained free by mail from the National Aeronautical Charting Office, AVN-530, Federal Aviation Administration (FAA), 6303 Ivy Lane, Suite 400, Greenbelt MD, 20770-1479, by telephone at 1-800-638-8972 or from your local authorized nautical chart sales agent. This is a quarterly publication listing the most recent editions of nautical charts, miscellaneous maps and publications relating to navigation, weather, etc. with brief descriptions and up-to-date prices for most of the publications listed. Much of this information may also be obtained online at: <http://chartmaker.ncd.noaa.gov/mcd/dole.htm>

## **NATIONAL OCEAN SERVICE (NOS) - CHARTS, PUBLICATIONS, AND TABLES – SALES AGENTS**

Sales agents for Charts and Coast Pilots of the National Ocean Service are located in many U. S. ports and in some foreign ports. A list of authorized sales agents and chart catalogs is available free upon request from National Ocean Service, Distribution Division (N/ACC3), 6501 Lafayette Avenue, Riverdale, Maryland 20737.

## **COAST PILOT 4 – 36TH EDITION - AVAILABLE**

**U.S. Coast Pilot 4, Atlantic Coast: Cape Henry, VA to Key West, FL, 2004 (36<sup>th</sup>) Edition**, is ready for issue and may be obtained from:

Federal Aviation Administration  
National Aeronautical Charting Office  
Distribution Division, AVN-530  
6303 Ivy Lane, Suite 400  
Greenbelt, MD 20770-1479  
and authorized sales agents of the National Ocean Service. Price \$26.00.  
The 2004 Edition cancels the preceding 2003 Edition.

All corrections to the previous edition issued in Notices to Mariners are incorporated in this edition.

Mariners are encouraged to use the convenient "RECORD OF CHANGES" form on Page V of this book. All Coast Pilot changes published in the U.S. Coast Guard Local Notice to Mariners, National Geospatial-Intelligence Agency Notice to Mariners, and on the internet at <http://nauticalcharts.noaa.gov/nsd/cpdownload.htm> are serially numbered (i.e., Change No. 1, Change No. 2, etc.) to assist you in tracking the changes.

## **CAUTION TO BE USED IN RELIANCE UPON AIDS TO NAVIGATION**

The aids to navigation depicted on charts comprise a system of fixed and floating aids with varying degrees of reliability. Therefore, prudent mariners will not rely solely on any single aid to navigation, particularly a floating aid. With respect to buoys, the buoy symbol is used to indicate the approximate position of the buoy body and the sinker, which secures the buoy to the seabed. The approximate position is used because of practical limitations in positioning and maintaining buoys and their sinkers in precise geographical locations. These limitations include, but are not limited to, inherent imprecision's in position fixing methods, prevailing atmospheric and sea conditions, the slope of and the material making up the seabed, the fact that buoys are moored to sinkers by varying lengths of chain, and the fact that buoy body and/or sinker positions are not under continuous surveillance but are normally checked only during periodic maintenance visits which often occur more than a year apart. The position of the buoy body can be expected to shift inside and outside the charting symbol due to the forces of nature. The mariner is also cautioned that buoys are liable to be carried away, shifted, capsized, sunk, etc. Lighted buoys may be extinguished or sound signals may not function as the result of ice, running ice or other natural causes, collisions, or other accidents. For the foregoing reasons, a prudent mariner must not rely completely upon the position or operation of floating aids to navigation, but will also utilize bearings from fixed objects and aids to navigation on shore. Further, a vessel attempting to pass close aboard always risks collision with a yawing buoy or with the obstruction the buoy marks.

## **CODE OF FEDERAL REGULATIONS – Title 33 part 70 – Interference with or Damage to Aids to Navigation**

No person, shall take possession of or make use of for any purpose, or build upon, alter, deface, destroy, move, injure, obstruct by fastening vessels thereto or otherwise, or in any manner whatever impair the usefulness of any aid to navigation established and maintained by the United States. Recently several offshore NOAA data buoys parted their moorings and became adrift due to excessive strain on the mooring. These navigational data buoys collect valuable on scene weather data for all mariners. These buoys are anchored to the seabed, and some have a watch circle radius of over 1 nautical mile. Once the mooring is parted and the buoy is adrift only certain Coast Guard resources can reset the aid back on its intended station. Coordinating of resources to retrieve the buoy, and place it back on station is time consuming and sometimes take weeks, thus valuable weather information cannot be obtained and relayed to mariners in need of it. Mariners are advised not to interfere with these aids to navigation and report any sightings of vessels tied off to them to the U.S. Coast Guard. Interference with or intentional damage to Aids to Navigation is a misdemeanor and shall be subject to a fine not exceeding the sum of \$500 for each offense (33 CFR 70.01).

## **INTENTIONAL ENCOUNTERS WITH WHALES PROHIBITED**

From late fall to early spring, various species of whales, including the severely endangered Right Whale, may be encountered in the local offshore and inshore waters. Vessel operators are reminded to use caution around whales. Vessels are prohibited from approaching within 500 yards of a Right Whale. Vessels must steer a course away from the right whale and immediately leave the area. Intentional close approach to whales is prohibited and may result in a violation of Federal or State law.

## **NJ - DE - SEACOAST - Sonobuoy Operations**

Mariners are advised that sonobuoy operations will be conducted during daylight hours in the area bounded by the following points:

38°36'00"N 075°00'00"W  
38°45'00"N 074°53'00"W  
38°45'00"N 074°20'00"W  
38°00'00"N 073°05'00"W  
38°00'00"N 075°11'00"W

These operations involve aircraft dropping objects at low altitudes. Mariners should exercise extreme caution when transiting the area.

**Charts: 12200 & 12214.**

#### **VA - WILLOUGHBY BAY - THIMBLE SHOAL CHANNEL - HELICOPTER AIRBORNE MINE COUNTERMEASURES OPERATIONS**

Helicopter Mine Countermeasures Squadron Fourteen (HM-14) routinely conducts airborne mine countermeasures (AMCM) operations utilizing the MH-53E helicopter at low altitudes over the following inland and coastal waterways:

- Willoughby Bay

- Thimble Shoal Channel from the Naval Station Norfolk piers to the Chesapeake Bay Bridge Tunnel.

- An area of the Chesapeake Bay, adjacent to the Thimble Shoal Channel from Thimble Shoal to the Chesapeake Bay bridge tunnel extending to the north four miles to form a four by seven mile rectangle.

During these operations, the aircraft will be operating at altitudes as low as seventy-five feet and will produce localized winds in excess of 125 miles per hour. Rotor wash produced winds pose a considerable hazard to vessels, especially sailing vessels. The devices the helicopters tow range in size and appearance from a large orange and white sled approximately the size of a pick up truck to slightly submerged steel pipes thirty feet in length, both of which have submerged cable extending well beyond the visible portion of the towed device. The Aircraft Commanders have been directed to exercise every effort to conflict and avoid surface vessels.

All mariners are requested to remain well clear of the helicopters, the towed devices, and the area extending directly behind the aircraft for four hundred yards. Do not approach or cross the area directly behind the towed device as a submerged hazard exists regardless of whether the device is in motion or stationary.

#### **VA - SEACOAST/THIMBLE SHOAL CHANNEL - Low Altitude Helicopter Operations:**

Mariners are advised that helicopter mine countermeasures (AMCM) operations will be conducted during daylight hours in the area bounded by the following points:

##### **SEACOAST**

37°00'00"N 75°55'00"W  
37°30'00"N 75°34'00"W  
37°30'00"N 75°30'00"W  
37°00'00"N 75°30'00"W

36°55'00"N 75°55'00"W  
36°55'00"N 75°30'00"W  
36°30'00"N 75°30'00"W  
36°30'00"N 75°47'00"W

##### **CHESAPEAKE ENT**

36°54'51"N 75°47'17"W  
36°52'09"N 75°43'39"W  
36°54'09"N 75°48'07"W  
36°51'26"N 75°44'30"W

36°58'24"N 75°44'24"W  
36°59'01"N 75°43'26"W  
36°53'09"N 75°36'36"W  
36°52'23"N 75°37'34"W

36°57'15"N 75°45'31"W  
36°56'45"N 75°44'28"W  
36°52'03"N 75°49'17"W  
36°51'26"N 75°48'12"W

36°52'59"N 75°50'12"W  
36°52'28"N 75°49'09"W  
36°55'00"N 75°47'10"W  
36°55'32"N 75°48'13"W

##### **THIMBLE SHOAL CHNL**

37°00'27"N 76°12'46"W  
37°01'23"N 76°12'24"W  
37°00'09"N 76°07'38"W  
36°59'12"N 76°08'01"W

##### **SMITH ISLAND SHOAL**

37°06'42"N 75°44'54"W  
37°04'42"N 75°38'36"W  
37°03'43"N 75°44'54"W  
37°02'43"N 75°38'36"W

37°03'42"N 75°44'54"W  
37°03'42"N 75°38'36"W  
37°01'43"N 75°44'54"W  
37°01'43"N 75°38'36"W

37°05'24"N 75°42'14"W  
37°05'24"N 75°39'46"W  
37°01'30"N 75°42'14"W  
37°01'30"N 75°39'46"W

These operations involve large naval helicopters at flight altitudes of 100 feet or less, towing surface and sub-surface devices at speeds up to 25 knots. Helicopters may be identified by a rotating amber position light on centerline of main hull flashing 90 times per minute. An area of hurricane-force winds exists within a 250-foot radius around these helicopters, sufficient to blow people and objects from exposed decks and capsize small craft. The towed devices may be completely invisible and include large cables on or just below the surface streaming up to 1200 feet behind the aircraft. AMCM helicopters will transit to and from the area described above in the following manner: Outboard from the seaplane ramp at the Norfolk Naval Air Station across Willoughby Bay to the main shipping channel, then easterly along the main channel to Buoy 21. From Buoy 21 either East, SE or SSE to the operating area. The return flight will follow the same path as the outbound flight. To minimize the potential for mishap, vessels are requested to remain well clear of these danger zones when AMCM operations are encountered. **Charts: 12200, 12205, 12221, 12222 & 12254.**

#### **NJ & PA – UPPER DELAWARE - DELAWARE RIVER – BRIDGE RESTRICTIONS**

The Coast Guard has authorized New Jersey Transit to restrict the operation of the Delair Railroad (vertical-lift) Bridge, at mile 104.6, across the Delaware River, in Philadelphia, Pennsylvania. To facilitate replacement of bridge timbers, the bridge will be maintained in the closed-to-navigation position each day from 8 a.m. to 4 p.m. on ten consecutive Mondays: on **October 4, 11, 18, and 25**; and on **November 1, 8, 15, and 22, 2004**. At all other times, the bridge will operate in accordance with the current operating regulations outlined in 33 CFR 117.716. The available vertical clearance in the closed-to-navigation position is approximately 49 feet at Mean High Water (MHW) and 55 feet at Mean Low Water (MLW). Mariners able to pass under the closed span are advised to exercise extreme caution when transiting the area. **Chart: 12314.**

#### **NJ-PA-DELAWARE RIVER-DELAWARE BAY – NAVAL VESSEL PROTECTIVE SECURITY ZONE**

All mariners are advised a Naval Vessel Protective Security Zone exists around the USNS MENDONCA and the USNS SEAY while moored at Tioga Marine Terminal Philadelphia, PA. All vessels shall maintain 100 yards distance from the USNS MENDONCA or USNS SEAY while it is underway, moored or anchored. All mariners are requested to operate at a minimum speed necessary to maintain a safe course within 500 yards of the USNS MENDONCA OR USNS SEAY and are reminded to use caution when transiting near the vessels. This action is necessary to provide for the safety and security of the vessels. The U.S. Coast Guard and local law enforcement agencies will be enforcing the fixed Naval Vessel Protective Security Zone. All mariners are requesting to operate within 100 yards of the USNS MENDONCA or USNS SEAY should contact the USNS MENDONCA or USNS SEAY VIA VHF Channels 13 OR 16. **Charts: 12312 & 12314.**

#### **NJ – DE – PA – DELAWARE RIVER – REEDY ISLAND – HAZARD TO NAVIGATION**

There has been an anchor and wire lost in the vicinity of Reedy Island Anchorage #3 in position 39°-30'.6N, 075°-32'.6W. Mariners are advised to use extreme caution while transiting this area. **Chart: 12311.**

#### **MD – UPPER CHESAPEAKE BAY – PATAPSCO AND SEVERN RIVERS – WATERWAY RESTRICTION**

Mariners are advised that on Tuesday, **October 26, 2004**, a dead ship tow of the U.S.S. Constellation is scheduled to occur on the waters of the upper Chesapeake Bay and its tributaries from Pier 1, Inner Harbor, Baltimore, Maryland to the U. S. Naval Academy seawall, Annapolis, Maryland. On Monday, **November 1, 2004**, a return dead ship tow is scheduled to occur from Annapolis, Maryland to Baltimore, Maryland. The event consists of a dead ship tow of the historic Sloop-of-War, with a saluting battery off Fort McHenry National Monument and Historic Site. A temporary safety zone becomes effective from **7 a.m. to 5 p.m. on Tuesday, October 26, 2004** and from **7 a.m. to 5 p.m. on Monday, November 1, 2004**. This moving safety zone, on all waters of the upper Chesapeake Bay and its tributaries within 200 yards ahead of and 100 yards outboard and aft of the U.S.S. Constellation while operating, is established for the safety of life and property on navigable waters during the event. If you have any questions please contact Mr. Ronald Houck, U.S. Coast Guard Activities Baltimore at (410) 576-2674.

#### **MD – CHESAPEAKE BAY – APPROACHES TO BALTIMORE HARBOR – HAZARD TO NAVIGATION**

There has been an anchor and 400 feet of chain lost in General Anchorage #3 in approximate position 39°-14'-44".6N, 076°-33'-08".8W. Mariners are urged to use extreme caution when transiting the area. **Chart: 12281.**

#### **MD-VA-DC-POTOMAC RIVER-MATTAWOMAN CREEK TO GEORGETOWN– SECURITY ZONES**

Mariners are advised that due to heightened security alert conditions in and near Washington, DC, the Coast Guard has established temporary security zones upon the waters of the Potomac River. These security zones will remain in effect until **November 30, 2004**. The areas include: (A) for all persons or vessels engaged in commercial service, all waters of the Potomac River, surface to bottom, from the Woodrow Wilson Memorial Bridge upstream to the Long Railroad Bridge, including the waters of the Anacostia River downstream from the Highway 50 Bridge to the confluence with the Potomac River. Vessels engaged in commercial service must contact the Captain of the Port (COTP) Baltimore or his designated representative by telephone at (202) 767-1194, or U.S. Coast Guard Station Washington, D. C. on VHF-FM Channels 16 or 23A for authorization prior to entering or moving within this security zone, (B) for all other persons or vessels, all waters of the Georgetown Channel, Potomac River, surface to bottom, from the Long Railroad Bridge upstream to the Francis Scott Key Bridge. Vessels are allowed to enter, move within, or remain in this security zone, only with the authorization of the COTP Baltimore. **Chart: 12289.**

#### **MD-CHESAPEAKE BAY-SEVERN RIVER-SPA CREEK – ANNAPOLIS BOAT SHOW**

Annapolis Boat Shows, Inc. will conduct its annual U. S. Sailboat and Powerboat Shows in Annapolis Harbor from **Thursday, October 7** through **Sunday October 17, 2004**. In support of these events, temporary pilings, floating docks and submerged electrical cables will be placed in the northwestern quadrant of Annapolis Harbor beginning on **Monday, October 4, 2004**, and will remain in place through **Wednesday, October 20, 2004**. In addition, mariners are advised that special anchoring restrictions in the harbor will be in affect in the event of severe weather during this period. For any comments or questions, contact the Annapolis City Harbormaster's office, on marine radio VHF-FM Channel 17, or at telephone number (410) 263-7973. **Chart :12283.**

#### **VA/MD – POTOMAC RIVER – WOODROW WILSON BRIDGE – BRIDGE INFO**

Mariners are advised that construction of the new Woodrow Wilson Memorial Drawbridge across the Potomac River, mile 103.8, between the City of Alexandria, Virginia and Oxon Hill, Maryland is ongoing until 2010. Excessive speed and wake by boaters may cause serious or fatal incidents to the Bridge project. It is crucial that mariners obey the speed restrictions and eliminate wakes through the work zone due to the sensitive and precise nature of the work and for worker safety. A temporary floating/sliding bridge will be in place in the waterway during drawbridge construction until further notice. There will be intermittent day-time channel restrictions as a result of the floating bridge and mariners are urged to listen to the BNMs for updates of it's position in the waterway. Mariners are also urged to use extreme caution when transiting this area for work barges, exposed piles, and anchor buoys. For further information and updates to construction operations, contact Mr. Mike Baker, Environmental Construction Manager for the Woodrow Wilson Bridge Project at 301-567-0094 Ext 242 or visit the Project's website online at [www.wilsonbridge.com](http://www.wilsonbridge.com). **Charts: 12285 & 12289.** Bridge. **Chart: 12207.**

#### **VA – ELIZABETH RIVER – WESTERN BRANCH – ROUTE 17/ CHURCHLAND BRIDGE – REDUCED OVERHEAD POWER CABLE CLEARANCE**

Virginia Power has informed the Coast Guard that the overhead power cable; South of the Churchland Bridge, Western Branch, Elizabeth River has sagged to 39 feet. Mariners are to use extreme caution in this area. Virginia Power will be resagging the overhead power cable to its authorized clearance of 45 feet in the immediate future. **Chart: 12253.**

#### **GENERAL INFORMATION BROADCAST NOTICE TO MARINERS**

THE COAST GUARD ANNOUNCES THE CONTINUOUS TRANSMISSION OF TEST SIGNALS IN THE VICINITY OF PORTSMOUTH, VA. THESE TRANSMISSIONS ARE FOR SYSTEM TEST PURPOSES ONLY. USERS ARE ADVISED THESE SIGNALS ARE NOT ACCURATE FOR NAVIGATION OR SAFETY OF LIFE APPLICATIONS. SPECIFICS FOR THESE TESTS ARE:

WHEN: 250000Z OCT 04 TO 310000Z JAN 05

WHERE: VICINITY OF PORTSMOUTH, VA.

FREQUENCY: 313 KHZ

BAUD RATE: 200 BPS

BROADCAST SITE ID: 821

TYPE: DGPS FORMAT WITHOUT CORRECTIONS

USERS MAY DIRECT QUERIES TO THE COMMANDING OFFICER, COAST GUARD NAVIGATION CENTER, 7323 TELEGRAPH ROAD, ALEXANDRIA, VA 22315 OR BY CALLING 703-313-5900.

#### **VA – COASTAL – U.S. NAVAL BASE DAM NECK, VIRGINIA BEACH – SMALL ARMS RANGE LIVE FIRE SCHEDULE**

All vessel operators are reminded to review Navigation Regulations as described in paragraph 334.380 of Chapter 2, of **U.S. Coast Pilot 4, Atlantic Coast: Cape Henry to Key West (36<sup>th</sup>) Edition** when operating south of the entrance to the Chesapeake Bay, off the Dam Neck Naval Firing Range. When firing is in progress during daylight hours, red flags will be displayed at conspicuous locations on the beach at the facility. Vessels shall proceed through the area with caution and shall remain in the area no longer than necessary for transit.

The U.S. Naval Base Dam Neck Live Fire Range will be active during the following periods:

Oct 06-08, 2004 from 6:00 a.m. to 1:00 p.m.

Oct 25-29, 2004 from 6:00 a.m. to 4:00 p.m.

Nov 15-19, 2004 from 6:00 a.m. to 1:00 p.m.

Dec 02-03, 2004 from 6:00 a.m. to 1:00 p.m.

Dec 06-10, 2004 from 6:00 a.m. to 1:00 p.m.

Dec 13-16, 2004 from 6:00 a.m. to 1:00 p.m.

Jan 10-14, 2005 from 6:00 a.m. to 1:00 p.m.

Jan 31- Feb 4, 2005 from 6:00 a.m. to 1:00 p.m.

Feb 07-11, 2005 from 6:00 a.m. to 1:00 p.m.

Mar 14-18, 2005 from 6:00 a.m. to 1:00 p.m.

Mar 21-25, 2005 from 6:00 a.m. to 1:00 p.m.

Night live fire operations will be commence at 5:30 a.m. and last approximately 90 minutes on the following dates: Oct 29, Nov 19, Dec 09,

Dec 16, Jan 14, Feb 04, Feb 11, Mar 18 & Mar 25. **Charts: 12203, 12205.12207 & 12221.**

#### **VA – COASTAL – STATE MILITARY RESERVATION, CAMP PENDLETON, VIRGINIA BEACH – SMALL ARMS LIVE FIRE SCHEDULE**

The Camp Pendleton State Military Reservation Live Fire Small Arms Range described as "all of the waters seaward of the mean high water shore line within a sector between radial lines extending 13,500 yards seaward and bearing 090 degrees true and 150 degrees true, respectively, from a point on shore at 36° 49' 09"N, 075° 58' 45"W". All vessel operators are reminded to review Navigation Regulations as described in paragraph 334.380 of Chapter 2, of **U.S. Coast Pilot 4, Atlantic Coast: Cape Henry to Key West** when operating south of the entrance to the Chesapeake Bay. Firing will take place only during daylight hours and red flags will be displayed at conspicuous locations on the beach at the facility. Vessels shall proceed through the area with caution and shall remain in the area no longer than necessary for transit. **Charts: 12203, 12205.12207 & 12221.**

The Camp Pendleton Live Fire Range will be active during the following periods:

Oct 17-22 October, 2004

Nov 06-08, 2004 - from 8:00 a.m. to 4:00 p.m.

Dec 04-05, 2004 - from 8:00 a.m. to 4:00 p.m.

Jan 08-09, 2005 - from 8:00 a.m. to 4:00 p.m.

Feb 05-06, 2005 - from 8:00 a.m. to 4:00 p.m.

Mar 12-13, 2005 - from 8:00 a.m. to 4:00 p.m.

May 21-22 2005 - from 8:00 a.m. to 4:00 p.m.

#### **NC - NEW RIVER – FIRING EXERCISES**

The Commanding General, Marine Corps Base, Camp Lejeune, North Carolina, has advised that the area in the Atlantic Ocean between a point approximately 4.5 miles east of Bogue Inlet to a point approximately 10.0 miles southwest of New River Inlet, North Carolina, within the existing danger zone (depicted as 334.440) as shown on National Ocean Service **Chart 11543**, will be hazardous to navigation because of field firing exercises during the periods and times listed below. Firing will be to 3 miles seaward. Vessels are urged to avoid the above area during the periods stated except for the Atlantic Intracoastal Waterway, where mariners traveling through this area can expect a delay of about one hour during the above times. Range Control Boats, Marine Corps Base Camp Lejeune, North Carolina monitor Channel 16 VHF-FM (156.8 MHz) and the working Channel 82 VHF-FM (161.725 MHz). The restricted areas in New River, as shown on National Ocean Service **Chart 11542**, will be closed to navigation because of firing exercises during the following periods:

Jacksonville Sector Sunrise to Sunset daily, 01 – 31 October, 2004

Farnell Bay Sector Sunrise to Sunset daily, 01 – 31 October, 2004

Traps Bay Sector Sunrise to Sunset daily, 01 – 31 October, 2004

Stone Bay Sector 12:01 a.m. to Midnight, 01 – 31 October, 2004

Stone Creek Sector 12:01 a.m. to Midnight, 01 – 31 October, 2004

Grey Point Sector 12:01 a.m. to Midnight, 01 – 31 October, 2004

Ship operations consisting of landing craft, amphibious vehicles, and helicopters will be conducted in the Onslow Beach operating area and all sectors of New River from 12:01 a.m. to Midnight, 01 – 31 October, 2004. Range Control Boats, Marine Corps Base Camp Lejeune, North Carolina monitor Channel 16 VHF-FM (156.8 MHz) and the working Channel 82 VHF-FM (161.725 MHz).

**Charts: 11542 & 11543.**

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**II. DISCREPANCIES:** The following is a summary of corrected/uncorrected discrepancies in aids to navigation. Discrepancies will be corrected as soon as possible, and printed in the discrepancy list each week until corrected. All aids are listed in the Coast Guard **Light List, Volume II 2004 (COMDTPUB P16502.2)**

#### **KEY TO DISCREPANCY ABBREVIATIONS**

AC= Group Atlantic City  
CH= Group Cape Hatteras  
DEST= Destroyed  
FM= Group Fort Macon  
LNM= Local Notice to Mariners  
PH= Group Philadelphia  
TRUB= Temporary Unlighted Buoy

BA= Activities Baltimore  
DBD= Dayboard  
ES= Group Eastern Shore  
IMCH= Improper Characteristics  
LT= Light  
SHL= Shoaling  
TRLT= Temporary Light

BNM= Broadcast Notice to Mariners  
DBN= Daybeacon  
EXT= Extinguished  
INOP= Inoperative  
OFF STA= Off Station  
TRLB= Temporary Lighted Buoy

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#### **DISCREPANCIES (As of 0800 a.m. 05 October)**

<b>LLNR</b>	<b>Name of Aid</b>	<b>Status</b>	<b>Chart Number</b>	<b>BNM Ref.</b>	<b>LNM Ref.</b>
840	Frying Pan Shoals Lighted Buoy 2FP	LT EXT	11009	0358FM	38/04
1195	Absecon Inlet Breakwater Light 7	DBN DEST	12318	0388AC	42/03
2050	Harbor of Refuge North End Light	LT EXT	12214	0311AC	34/04



2115	Rehoboth Bay Channel Light 9	TRLB	12216	0035ES	06/04
2125	Rehoboth Bay Daybeacon 12	MISSING	12214	0023ES	06/04
2148	Rehoboth Bay Channel Daybeacon 19	TRUB	12216	0048ES	09/04
2660	Salem River Entrance Channel Range Rear Light	LT DIM	12277	0223PH	27/04
3840	Enterprise Upper Range Front Light	LT DIM	12314	0304PH	34/03
3845	Enterprise Upper Range Rear Light	LT DIM	12314	0305PH	34/03
4340	Upper Delaware River Channel Buoy 105	OFF STA	12314	0324PH	39/04
4345	Upper Delaware River Channel Buoy 106	MISSING	12314	0322PH	39/04
4420.1	Indian River Inlet Daybeacon 17A	TRLB	12214	0018ES	05/04
4430	Indian River Junction Light IR	TRLB	12216	0013ES	07/04
4445	Pepper Creek Daybeacon 2	TRUB	12216	0043ES	09/04
4470	Pepper Creek Lighted Buoy WR10	TRLB	12216	0101ES	22/04
4840	Isle of Wight Bay Daybeacon 7	TRUB	12211	0100ES	21/04
4867	Isle of Wight Bay Buoy 12A	OFF STA	12211	0117ES	25/04
4995	Sinepuxent Bay Daybeacon 1	TRUB	12211	0083ES	17/04
5015	Sinepuxent Bay Channel Daybeacon 6	TRUB	12211	NONEHR	11/04
5105	Sinepuxent Bay Channel Daybeacon 27	TRUB	12211	NONEHR	11/04
5300	Chincoteague Inlet Lighted Buoy 6	MISSING	12210	0139ES	36/04
5777	Virginia Inside Passage Daybeacon 59	MISSING	12210	0132ES	33/04
6155	Virginia Inside Passage Daybeacon 162	TRUB	12210	NONEHR	25/04
6490	Virginia Inside Passage Light 245	LT EXT	12221	0447HR	39/04
6790	North Inlet Light 1	TRLB	12210	NONEHR	11/04
7245	Old Plantation Flats Light	DBN DMGD	12221	0350HR	30/04
7305	Chesapeake Channel Lighted Buoy 44	RAC INOP	12221	0434HR	37/04
7425	Chesapeake Channel Lighted Bell Buoy 60	LT EXT	12225	0466HR	40/04
7440	Chesapeake Channel Lighted Bell Buoy 62	RAC INOP	12225	NONEHR	38/04
7795	Kent Island Northern Range Obstruction Daybeacon	DBN DEST	12282	0790BA	40/04
7995	Craighill Channel Entrance Range Front Light	LT EXT	12273	0741BA	37/04
8000	Craighill Channel Entrance Range Rear Light	LT EXT	12282	0751BA	38/04
9310	Thimble Shoal Light	LT EXT	12221	0468HR	40/04
9565	Norfolk International Terminal Daybeacon 6	TRUB OFF STA	12206	0344HR	30/04
9760	Western Branch Channel Daybeacon 6	TRUB	12253	0439HR	38/04
10070	Elizabeth River Southern Branch Buoy 26	OFF STA	12206	0428HR	36/04
11205	Chuckatuck Creek Approach Daybeacon CC	DBN IMCH	12248	0460HR	40/04
11700	James River Channel Light 24	TRLB	12248	0294HR	25/04
12420	Jordan Point Range Rear Light	LT EXT	12251	0160HR	15/04
12530	James River Channel Light 120	TRLB	12251	0445HR	33/03
12600	James River Channel Light 121	TRLB/ OFF STA/LT EXT	12252	0331HR	40/04
13550	York River West Range Front Light	TRLB	12238	0542HR	40/03
13955	Upper York River Daybeacon 21	TRUB	12243	0448HR	39/04
16985	Bransons Cove Daybeacon 1B	TRLB	12285	0653BA	30/04
17205	Dukeharts Channel Daybeacon 9	TRUB	12286	0551BA	24/04
17210	Dukeharts Channel Daybeacon 10	TRUB	12285	0552BA	24/04
17330	Wicomico River Daybeacon 13W	TRLB	12286	0312BA	09/04
17375	Horsehead Cliffs Warning Daybeacon	TRLB	12285	0659BA	31/04
17920	Potomac Creek Daybeacon 3	TRUB	12288	NONEBA	13/04
18280	Occoquan River Channel Daybeacon 7	TRLB	12285	0542BA	24/04
18810	St. Jerome Creek Light 4	TRLB	12285	0300BA	09/04
18880	Patuxent River Light 3	DBN DMGD	12230	0554BA	24/04
19675	Fishing Creek Light 3	DBN IMCH	12270	0739BA	37/04
21435	Old Plantation Flats Light	DBN DMGD	12221	0350HR	30/04
21450	Cape Charles City Light 1	TRLB	12221	0347HR	30/04
22303	Hunting Creek Buoy 19	OFF STA	12228	0794BA	40/04
22330	Muddy Creek Daybeacon 1	TRUB	12225	0598BA	27/04
22335	Muddy Creek Daybeacon 3	TRLB	12228	0598BA	27/04
22580	Pocomoke River Channel Buoy 18	OFF STA	12228	0512BA	22/04
22990	Rhodes Point Gut Channel Daybeacon 1	TRUB	12231	0340BA	40/02
23145	Tyler Creek Channel Daybeacon 9	TRUB	12231	0002BA	02/04
23280	Big Annemessex River Light 1	TRLB	12230	0318BA	10/04
23300	Big Annemessex River Light 6	TRLB	12231	0312BA	09/04
23380	Manokin River Light 2	TRLB	12230	0454BA	18/04
23430	Manokin River Daybeacon 9	TRLB	12231	0312BA	09/04
23495	Lower Thorofare Channel Light 2	TRLB/ FS INOP	12230	0434BA	16/04
23645	Sharkfin Shoal Channel Range Front Light	TRLB	12230	0493BA	21/04
23650	Sharkfin Shoal Channel Range Rear Light	MISSING	12261	0312BA	09/04
23795	Webster Cove Channel Buoy 1	OFF STA	12230	0654BA	30/04
24400	Goose Creek Light 1	TRLB	12230	0312BA	09/04
24410	Fishing Bay Light 3	TRLB	12230	0312BA	11/04
24470	Hearns Cove Channel Light 5	TRLB	12230	0312BA	09/04
24525	Honga River Light 12	TRLB	12261	0312BA	09/04
24580	Tar Bay Channel Light 1	TRLB	12230	0400BA	14/04
24585	Tar Bay Channel Light 2	LT IMCH	12264	0745BA	38/04
24620	Tyler Cove Channel Daybeacon 1	TRUB	12261	0639BA	30/04
24625	Tyler Cove Channel Daybeacon 2	TRUB	12264	0640BA	30/04
25525	Irish Creek Daybeacon 6	TRUB	12263	0220BA	14/01
27325	Bush River Light 5	TRLB	12274	0318BA	10/04

28141	Oregon Inlet Channel Light 41	TRLB	12204	0180CH	40/04
28190	Oregon Inlet Channel Daybeacon 53	TRUB	12205	0177CH	40/04
28340	Walter Slough Light 9	TRLB	12204	0171CH	38/04
29235	Barden Inlet Light 21	TRLB	11545	0323FM	33/04
29559	Bogue Inlet Buoy 14	OFF STA	11541	0309FM	33/04
29845	Stones Bay Warning Daybeacon	DBN IMCH	11541	0379FM	40/04
29975	New Topsail Inlet Buoy 1	OFF STA	11543	0341FM	36/04
30665	Cape Fear Channel Lighted Buoy 30	TRLB	11537	NONEFM	04/04
30680	Upper Midnight Channel North Range Rear Light	LT EXT	11537	0394FM	40/04
31055	Shallotte Inlet Buoy 1	MISSING	11534	0327FM	33/04
31665	Kendrick Creek Channel Daybeacon 2	TRUB	12205	0143CH	30/04
32470	Lower Middle Ground Light LM	DBN DEST	11548	0236FM	27/04
32720	Fodrey Creek Light 1	TRLB	11548	0098FM	04/04
33245	Gaylord Bay Ferry Terminal Channel Light 1	TRLB	11554	0220FM	24/04
33505	Raccoon Island North Daybeacon	MISSING	11541	NONEFM	50/03
34320	Harbor Island Warning Daybeacon	DBN DMGD	11544	0102FM	10/03
34545	Core Sound Light 28	TRLB	11545	0401FM	39/03
34710	Brooks Creek Daybeacon 1	DBN IMCH	12266	0310FM	34/04
34770	North River Warning Light	DBN DMGD	11545	0527FM	49/03
34932	Manasquan Inlet Light 3	LT EXT	12300	0310AC	34/04
35580	New Jersey Intracoastal Waterway Daybeacon 143	OFF STA	12316	0368AC	40/04
35875	New Jersey Intracoastal Waterway Daybeacon 223	MISSING	12316	0416AC	45/03
36015	New Jersey Intracoastal Waterway Daybeacon 265	TRUB	12316	NONEAC	29/04
36535	New Jersey Intracoastal Waterway Buoy 424	OFF STA	12316	0228AC	26/04
37075	Elizabeth River- Southern Branch Daybeacon 31	DBN DEST	12253	0459HR	40/04
37175	Great Bridge Albemarle Sound Daybeacon 5	TRUB	12206	0451HR	39/04
38220	Goose Creek Light 22	DBN DMGD	11548	0378FM	39/04
38390	Core Creek Light 20	LT EXT	11541	0293FM	32/04
38400	Core Creek Range Front Light	TRLB	11545	0116FM	12/03
38407	Core Creek Light 24	TRLB	11541	NONEFM	33/04
39790	Wilmington Shortcut Daybeacon 3	LT EXT	11537	0358FM	38/04
39895	Upper Midnight Channel North Range Rear Light	LT EXT	11537	0394FM	40/04
39910	Cape Fear Channel Lighted Buoy 30	TRLB	11534	NONEFM	04/04
40305	Cape Fear Little River Daybeacon 71	DBN IMCH	11534	0319FM	36/04

#### DISCREPANCIES CORRECTED (Since LNM 40/04)

LLNR	Name of Aid	Status	Chart Number	BNM Ref.	LNM Ref.
640	Diamond Shoal Lighted Buoy 12	RELIGHTED	13003	0379D5	33/04
871	Shark River Lighted Whistle Buoy SI	RELIGHTED	12326	0357AC	39/04
1074	Oyster Creek Channel Buoy 35A	RESET ON STATION	12323	0359AC	39/04
1170	Absecon Inlet Lighted Gong Buoy 1	RELIGHTED	12318	0364AC	39/04
2335	Murderkill River Buoy 5	RESET ON STATION	12304	0371AC	40/04
2835	New Castle Range Lighted Gong Buoy 7N	WATCHING PROPERLY	12311	0335PH	40/04
3320	Billingsport Range Front Light	RELIGHTED	12312	0343PH	40/04
3380	Mifflin Range Lighted Buoy 1F	WATCHING PROPERLY	12312	0335PH	40/04
6150	Virginia Inside Passage Daybeacon 161	WATCHING PROPERLY	12210	0149ES	39/04
6485	Virginia Inside Passage Daybeacon 244	WATCHING PROPERLY	12221	0026ES	06/04
6575	Virginia Inside Passage Daybeacon 264	REBUILT/RECOVERED	12224	0273HR	24/04
7035	Chesapeake Channel Lighted Bell Buoy 2C	RELIGHTED	12221	0465HR	40/04
7080	Chesapeake Channel Lighted Buoy 10	WATCHING PROPERLY	12221	0456HR	40/04
7315	Chesapeake Channel Lighted Bell Buoy 46	RELIGHTED	12225	0453HR	39/04
7375	Chesapeake Channel Lighted Buoy 52	RELIGHTED	12225	0458HR	40/04
8240	Fort McHenry Anchorage Buoy A	WATCHING PROPERLY	12281	0738BA	37/04
9315	Thimble Shoal Channel Lighted Bell Buoy 21	RELIGHTED	12221	0464HR	40/04
9670	Craney Island Creek Light 5	RELIGHTED	12253	0455HR	40/04
10140	Lynnhaven Inlet Light 4	WATCHING PROPERLY	12205	0462HR	40/04
17770	Port Tobacco River Light 1	WATCHING PROPERLY	12288	0457BA	18/04
20875	Curtis Bay Channel Range Rear Light	RELIGHTED	12277	0787BA	40/04
21440	Cape Charles City Range A Front Light	WATCHING PROPERLY	12221	0180HR	16/04
26085	Eastern Bay Lighted Buoy 11	RELIGHTED	12270	0772BA	38/04
27205	Gunpowder River Light 9	RELIGHTED	12273	0788BA	40/04
28080	Oregon Inlet Channel Buoy 25	WATCHING PROPERLY	12205	0175CH	39/04
28595	Colington Cut Entrance Light 2C	RELIGHTED	12204	0172CH	38/04
28725	Hatteras Inlet Light 9	RELIGHTED	11555	0176CH	39/04
29925	Southwest Creek Daybeacon 1	WATCHING PROPERLY	11542	0340FM	36/04
29997	New Topsail Inlet Buoy 3A	RESET ON STATION	11541	0344FM	37/04
30185	Masonboro Inlet Lighted Buoy 8	RELIGHTED	11541	0376FM	39/04
30285	Carolina Beach Inlet Buoy 5	WATCHING PROPERLY	11534	0300FM	33/04
39726	New River - Cape Fear River Buoy 154A	WATCHING PROPERLY	11534	0381FM	40/04



**PRIVATE AIDS DISCREPANCIES - (As of 0800 a.m. 05 October)**

LLNR	Name of Aid	Status	Chart Number	BNM Ref.	LNM Ref.
575	NAVAIR COMBAT MANEUVRNG RANGE TWR LT	LT EXT	12200	0175D5	17/04
1145	Marshelder Channel Buoy 2	MISSING	12316	0449AC	50/03
2119.19	Herring Creek Daybeacon 19	DBN DEST	12216	0140ES	34/03
2775	Bulkhead Shoal Channel Lighted Buoy 2	MISSING	12331	0265PH	32/04
4880	Thorofare Channel Buoy 4	MISSING	12211	0117ES	29/03
4905	Thorofare Channel Buoy 12	OFF STA	12211	0110ES	47/00
4915	Thorofare Channel Buoy 15	MISSING	12221	0031ES	20/02
4920	Thorofare Channel Buoy 16	MISSING	12211	0032ES	20/02
5457	Greenbackville SAV Sanctuary Daybeacon A	MISSING	12211	0040ES	07/04
5457.1	Greenbackville SAV Sanctuary Daybeacon B	MISSING	12211	0040ES	07/04
9730	Elizabeth River Deperming Range Obstruction Light	DBN DMGD	12253	0566HR	40/03
10186.5	Lynnhaven River Daybeacon 3LR	TRUB	12222	0147HR	18/02
10230	Lynnhaven River-Western Branch Daybeacon 11	DBN DMGD	12254	0422HR	36/04
10335	Long Creek Channel Daybeacon 2 LE	DBN DEST	12222	0033HR	04/03
12616	Weanack Channel Entrance Lighted Buoy 2WC	LT EXT	12252	0332HR	29/04
13070	Harris River Approach Daybeacon 8	DBN DMGD	12238	0226HR	19/04
13575	Virginia Power Underwater Obstruction Light A	LT EXT	12238	0266HR	23/04
15980	Delco Moraine Lighted Obstruction Buoy	MISSING	12237	0523HR	45/01
16845	Mill Creek Daybeacon 2	DBN DMGD	12233	0142BA	05/01
17845	Nanjemoy Creek Daybeacon 5	DBN DEST	12288	0205BA	07/04
18012.5	Aquia Creek Daybeacon 18	MISSING	12285	0197BA	26/02
18430	Little Hunting Creek Lighted Buoy 4	OFF STA	12289	0366BA	18/03
18850	Buzz's Marina Channel Daybeacon 6	DBN DEST	12233	0296BA	12/03
18860	N.A.S. Paxtuxent River Basin Entrance Light 2	DBN DMGD	12233	0337BA	24/01
18865	N.A.S. Patuxent River Basin Entrance Light 1	DBN DMGD	12233	0338BA	24/01
20210	Forked River Daybeacon 2	DBN DMGD	12282	0594BA	39/03
20235	Blackhole Creek Light 2	DBN DMGD	12282	0594BA	39/03
20360	Patapsco River 1/2 Measured Mile Marker Buoy A	OFF STA	12281	0572BA	25/04
20430	Pennwood Channel Range Front Light	LT EXT	12278	0581BA	26/04
20435	Pennwood Channel Range Rear Light	LT IMCH	12278	0422BA	16/04
20545	Sparrow Pt. Steel Work Ch. Range Front Light	LT EXT	12278	0302BA	36/02
20705	Sollers Point Daybeacon 1	LT EXT	12281	0732BA	52/03
20760	HAW Generating Plant Channel Buoy 7	BUOYSINK	12278	0594BA	39/03
20805	Hawkins Point Pier Buoy 2	OFF STA	12278	0103BA	18/02
21425	Kiptopeke Beach Breakwater North Light B	LT EXT	12221	0676D5	49/01
22415	POCOMKE SND ST BNDRY LINE DBN E	BUOYSINK/BUOYDMGD	12228	0220BA	07/04
22420	POCOMKE SND ST BNDRY LINE DBN F	MISSING	12228	0292BA	09/04
22435	POCOMKE SND ST BNDRY LINE DBN J	MISSING	12228	0293BA	09/04
23575	Dorchester/Somerset County Line Marker AA	DBN DEST	12231	0322BA	10/04
23665	Dorchester/Somerset County Line Marker CC	DBN DEST	12231	0324BA	10/04
24937	UMCES Lighted Buoy CR (Choptank River)	OFF STA/LT EXT	12263	0234BA	07/04
25020	Cambridge Channel Range Front Light	LT EXT	12268	0382BA	46/02
25025	Cambridge Channel Range Rear Light	LT EXT	12268	0383BA	46/02
26270	Cox Creek Daybeacon 4	DBN DEST	12263	0312BA	09/04
26343.3	Greenwood Creek Buoy 4	OFF STA	12263	0411BA	24/03
27275	Upper Gunpowder River Daybeacon 11	DBN IMCH	12273	0704BA	34/04
27900	Upper Elk River Buoy 2	MISSING	12274	0013BA	03/04
27905	Upper Elk River Buoy 4	MISSING	12274	0014BA	03/04
28697	South Ferry Terminal Buoy FD2	BUOYDMGD	11550	0068CH	16/04
30562.3	Sunny Point Terminal Warning Light L	TRLB	11537	0016FM	02/03
33200	Jacobs Creek Canal Daybeacon 1	DBN DMGD	11554	0339FM	34/02
33205	Jacobs Creek Canal Daybeacon 2	DBN DMGD	11554	0340FM	34/02
33427	Swan Point Warning Daybeacon A	MISSING	11548	0088FM	09/03
38570	TRIPLE S. MARINA DAYBEACON 8	DBN DEST	11547	0505FM	51/01
39125	COW CRK CH DBN 1	DBN IMCH	11541	0310FM	33/04

**PRIVATE AIDS DISCREPANCIES - CORRECTED (Since LNM 40/04)**

LLNR	Name of Aid	Status	Chart Number	BNM Ref.	LNM Ref.
None.					

**III. TEMPORARY CHANGES/CORRECTIONS:** This section contains a summary of current temporary changes and corrections to Aids to Navigation. Aids may be temporarily relocated or established for dredging; testing, evaluation or marking an obstruction or wreck. A permanent correction shall be listed in **Section IV.** giving the new position.

**TEMPORARY CHANGES**

LLNR	Name of Aid	Status	Chart Number	BNM Ref.	LNM Ref.
975	Barnegat Inlet Buoy 16	RLCTD DUE TO SHLNG	12323	0155AC	17/04
980	Barnegat Inlet Buoy 17	RLCTD DUE TO SHLNG	12324	0193D5	17/04
985	Barnegat Inlet Buoy 18	RLCTD DUE TO SHLNG	12323	0193D5	17/04
995	Barnegat Inlet Buoy 20	RLCTD DUE TO SHLNG	12324	0154AC	17/04
1080	Oyster Creek Channel Buoy 37	RLCTD DUE TO SHLNG	12323	0185D5	17/04

1085	Oyster Creek Channel Buoy 37A	RLCTD DUE TO SHLNG	12324	0185D5	17/04
1115	Little Egg Inlet Buoy 4	RLCTD DUE TO SHLNG	12316	0185AC	20/04
8330	Swan Point Channel North Range Rear Light	DISCONTINUED	12280	0240D5	22/04
9660	Craney Island Anchorage Daybeacon A	DSCNTND FOR DRDNG	12207	NONED5	14/04
12885.5	Salt Ponds Daybeacon 10	DSCNTND FOR DRDNG	12280	0369HR	32/04
12890	Salt Ponds Daybeacon 11	DSCNTND FOR DRDNG	12221	0370HR	32/04
12895	Salt Ponds Daybeacon 12	DSCNTND FOR DRDNG	12280	0371HR	32/04
21460	Cape Charles City Range B Front Light 8	DISCONTINUED	12224	0174D5	20/04

#### TEMPORARY CHANGES CORRECTED

LLNR	Name of Aid	Status	Chart Number	BNM Ref.	LNM Ref.
None.					

## IV. CHART CORRECTIONS

This section contains corrections to federal and private maintained Aids to Navigation, as well as NOS corrections. This section contains corrective actions affecting chart(s). Corrections appear numerically by chart number, and pertain to that chart only. **The mariner must decide which Chart(s) to correct. The following example explains the individual elements of a typical chart correction.**

Number	Edition	Date	Last LNM Ref	Datum Reference	Correction source	Notice to Mariners
12327	91 <sup>st</sup> Ed. NY-NJ-NEW YORK HARBOR - RARITAN RIVER (TEMP) ADD	04/01/2000	LAST LNM 26/00	NAD 83	CGD05/NOS	50/02
	National Dock Channel Buoy 3, green can				40°41'09.000N	074°02'48.100W
	Corrective Action	Object of corrective Action			Position (Degrees, minutes, seconds and tenths)	

The letter (M) immediately following the chart number indicates that the correction should be applied to the Metric side of the chart only. (TEMP) Indicates that the chart correction action is temporary in nature. Courses and bearings are given in degrees true, clockwise from 000°. Bearings of light sectors are toward the light from seaward. The nominal range of lights is in nautical miles (NM).

11009	37 <sup>th</sup> ed. 07/01/2004	LAST LNM: 28/04	NAD 83	NOS	40/04
	EAST COAST-CAPE HATTERAS TO STRAITS OF FLORIDA				
	<b>NEW EDITION</b>				
	1 : 1,200,000/LORAN-C				
	New edition due to numerous Notice to Mariners changes. This NOAA chart is now available in both the Print-on Demand and digital raster formats. See <a href="http://chartmaker.ncd.noaa.gov/mcd/dole.htm">http://chartmaker.ncd.noaa.gov/mcd/dole.htm</a> for details. The corresponding traditional paper chart will be available in two to eight weeks.				
11534	33rd ed. 03/01/2004	LAST LNM: 39/04	NAD 83	CGD05	40/04
	NC-SC-ICW-MYRTLE GROVE SOUND AND CAPE FEAR RIVER TO CASINO CREEK				
	DELETE/RELOCATE				
	New River/Cape Fear River Daybeacon 174				
	delete PA, relocate				
			from	34-02-13.500N	077-55-59.400W
			to	34-02-13.782N	077-55-58.285W
11537	35th ed. 02/01/2004	LAST LNM: 39/04	NAD 83	CGD05	40/04
	NC- CAPE FEAR RIVER:- CAPE FEAR RIVER TO WILMINGTON				
	RELOCATE				
	New River/Cape Fear River Daybeacon 174				
			from	34-02-13.500N	077-55-59.400W
			to	34-02-13.782N	077-55-58.285W
11541	34th ed. 10/01/2003	LAST LNM: 39/04	NAD 83	CGD05	40/04
	NC-AIWW - NEUSE RIVER TO MYRTLE GROVE SOUND				
	DELETE				
	Swansboro Coast Guard Channel Buoy 7A				
			in	34-39-18.120N	077-05-46.950W
12204	35th ed. 01/01/2003	LAST LNM: 39/04	NAD 83	CGD05	40/04
	NC- CURRITUCK BEACH LIGHT TO WIMBLE SHOALS				
	RELOCATE				
	Oregon Inlet Buoy 12				
			from	35-46-30.830N	075-31-52.728W
			to	35-46-26.251N	075-32-01.962W
12205	28th ed. 08/01/2003	LAST LNM: 39/04	NAD 83	CGD05	40/04
	VA-NC- CAPE HENRY TO PAMLICO SOUND (including ALBEMARLE SOUND)				
	RELOCATE				
	Oregon Inlet Buoy 12				
			from	35-46-30.830N	075-31-52.728W
			to	35-46-26.251N	075-32-01.962W
12222	46th ed. 05/01/2004	LAST LNM: 39/04	NAD 83	CGD05	40/04
	VA- CHESAPEAKE BAY CAPE CHARLES TO NORFOLK HARBOR				
	CHANGE				

	Hampton Bar Light C to Warning Light, FI W 4s, 15FT, 5M, relocate	from to	36-59-24.530N 36-59-26.503N	076-20-22.797W 076-20-23.133W
DELETE				
	Hampton Bar Light B	in	36-59-43.960N	076-19-48.200W
	Norfolk International Terminal North Channel Daybeacon 7	in	36-55-43.739N	076-19-47.622W
12230	61st ed. 11/01/2003 LAST LNM: 38/04 VA-MD-CHESAPEAKE BAY: SMITH POINT TO COVE POINT RELOCATE	NAD 83	CGD05	40/04
	Smith Creek Approach Light 2S	from to	38-05-31.098N 38-05-31.120N	076-24-15.020W 076-24-15.719W
12233	36th ed. 01/01/2004 LAST LNM: 31/04 VA-MD-POTOMAC RIVER: CHESAPEAKE BAY TO PINEY POINT RELOCATE	NAD 83	CGD05	40/04
	Smith Creek Approach Light 2S	from to	38-05-31.098N 38-05-31.120N	076-24-15.020W 076-24-15.719W
12245	62nd ed. 05/01/2003 LAST LNM: 34/04 VA- HAMPTON ROADS CHANGE	NAD 83	CGD05	40/04
	Hampton Bar Light C to Warning Light FI W 4s, 15FT, 5M, relocate	from to	36-59-24.530N 36-59-26.503N	076-20-22.797W 076-20-23.133W
DELETE				
	Hampton Bar Light B	in	36-59-43.960N	076-19-48.200W
	Norfolk International Terminal North Channel Daybeacon 7	in	36-55-43.739N	076-19-47.622W
12285	36th ed. 01/01/2004 LAST LNM: 39/04 MD-VA-DC- POTOMAC RIVER RELOCATE	NAD 83	CGD05	40/04
	Smith Creek Approach Light 2S	from to	38-05-31.098N 38-05-31.120N	076-24-15.020W 076-24-15.719W
12316	31st ed. 05/01/2004 LAST LNM: 39/04 NJ-IWW-LITTLE EGG HARBOR TO CAPE MAY RELOCATE	NAD 83	CGD05	40/04
	New Jersey Intracoastal Waterway Daybeacon 277	from to	39-15-45.100N 39-15-45.002N	074-37-14.524W 074-37-14.678W

A weekly electronic update service is now available for NOAA's digital, raster nautical charts. All Notice to Mariner corrections from USCG, NGA and CHS are included. The service is provided via a partnership between NOAA and Maptech, Inc. Further information is available from NOAA at (301)-713-2770, <http://chartmaker.ncd.noaa.gov> or from Maptech at (978)-933-3000, <http://www.maptech.com>.

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**V. ADVANCE NOTICES:** This section contains advance notice of approved projects, changes to aids to navigation, bridge regulations or upcoming temporary changes such as dredging, etc. Mariners are advised to use caution while transiting these areas. Comments on this change should be forwarded to the **Commander Fifth Coast Guard District (oan), 431 Crawford Street, Portsmouth, VA 23703-5004**

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#### **VA – VIRGINIA INSIDE PASSAGE – AIDS TO NAVIGATION CHANGE**

The Coast Guard will be discontinuing Ramshorn Channel Light 2 (LLNR 6960) and changing Virginia Inside Passage Daybeacon 215 (LLNR 6355) to Virginia Inside Passage Light 215 (LLNR 6355) showing a FI G 4s. Lighting equipment will be removed when endangered by ice. **Charts: 12221 & 12224.**

#### **BRIDGE ADVANCE NOTICE**

None.

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**VI. PROPOSED CHANGES:** Periodically the Coast Guard evaluates the system of Aids To Navigation and bridge regulations to determine whether the conditions for which the aids were established have changed. All comments should include the following information: 1) Quantity, type, capacity and value of vessels involved, and the extent that these vessels traverse the area under consideration seasonally, by day, and by night. 2) where practicable, the type of navigation devices, such as compasses, radio direction finders, radar, LORAN, DGPS, and search lights, with which such vessels are equipped. 3) The number of passengers and type, quantity, and value of cargo involved. 4) A chart section or sketch showing the action proposed when necessary to clearly describe the recommended improvement. Written comments on this proposal should be forwarded to: **COMMANDER, FIFTH COAST GUARD DISTRICT (OAN) 431 Crawford Street, Portsmouth, VA 23704-5004**, unless otherwise noted.

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#### **PA/NJ - UPPER DELAWARE RIVER- CHANGE TO AIDS TO NAVIGATION**

The Coast Guard is soliciting comments on the following proposed changes:

To seasonally discontinue the following buoys in mid-December 2004 and then to seasonally maintain these buoys from **May 15 to Sep 30 annually**: Upper Delaware River Buoy 98 (LLNR 4310)

Upper Delaware River Buoy 99 (LLNR 4315)  
Upper Delaware River Buoy 101 (LLNR 4320)  
Upper Delaware River Buoy 102 (LLNR 4325)  
Upper Delaware River Buoy 103 (LLNR 4330)  
Upper Delaware River Buoy 104 (LLNR 4335)

**Chart: 11552.**

Comments concerning this proposal may be sent to the above address, attention Mr. Tom Flynn, not later than **01 November, 2004.**

**CHOPTANK RIVER AND HERING BAY – IRISH CREEK – CHANGES TO AIDS TO NAVIGATION**

Due to shoaling in Irish Creek, the Coast Guard is proposing discontinuing Irish Creek Buoy 1 (LLNR 25505), Irish Creek Buoy 2 ((LLNR 25510), Irish Creek Daybeacon 3 (LLNR 25515), Irish Creek Daybeacon 4 (LLNR 25520) and Irish Creek Daybeacon 6 (LLNR 25525).

Comments concerning this proposal may be sent to the above address, attention Mr. Al Grimes, not later than **01 December, 2004.** Chart: 12266

**VA – CHESAPEAKE BAY – TANGIER SOUND – SMITH ISLAND - BIG THOROFARE WEST - SMITH ISLAND WEST SIDE WARNING DAYBEACON – AIDS TO NAVIGATION CHANGE.**

The Coast Guard is soliciting for comments on discontinuing Smith Island West Side Warning Daybeacon (LLNR 23195). Comments concerning this proposal may be sent to the above address, attention Mr. Al Grimes, not later than **25 October, 2004.** Chart: 12231.

**NC – DISESTABLISHMENT OF BODIE ISLAND LIGHT (LLNR 590) AS A FEDERAL AIDS TO NAVIGATION**

The Coast Guard is soliciting comments on the transfer of Bodie Island Light (LLNR 590) from a federal maintained to a private aids to navigation to be maintained by the National Park Service (NPS). Comments concerning this proposal may be sent to the above address, attention Mr. Tom Flynn, not later than **01 November, 2004.**

**BRIDGE PROPOSALS**

**NJ - MANASQUAN INLET – MANASQUAN RIVER – TEMPORARY DEVIATION FOR ROUTE 70 BRIDGE**

The U.S. Coast Guard has issued an extension of a temporary deviation to test an alternate drawbridge regulation for the Route 70 Bridge, mile 3.4, across Manasquan River, at Riviera Beach, New Jersey. Under this temporary 90-day deviation, effective **August 2, 2004, through October 31, 2004**, the Route 70 Bridge will open on signal on the hour, except that from 5 p.m. to 7 p.m., Monday through Friday and from 11 p.m. to 7 a.m. the draw need not be opened. The purpose of this temporary deviation is to test an alternate drawbridge operation schedule for 90 days and solicit comments from the public. Comments on this test deviation should be forwarded to the above address attention (obr) no later than **November 5, 2004.** Copies of **PUBLIC NOTICE 5-1022** which describes the test deviation in detail can be obtained by writing to the above address or by calling (757) 398-6222. Chart 12324.

**VA – ATLANTIC INTRACOASTAL WATERWAY (AIWW), SOUTHERN BRANCH OF THE ELIZABETH RIVER TO THE ALBERMARLE AND CHESAPEAKE CANAL – CHANGE IN REGULATION**

The U.S. Coast Guard proposes to change the regulations that govern the operation of the Norfolk Southern #7 Railroad Bridge across the Southern Branch of the Elizabeth River, at AIWW mile 5.8, in Chesapeake, VA. The Norfolk Southern Corporation, who owns and operates this drawbridge, requested changes to the operating procedures for the drawbridge. This proposed rule would increase vessel openings and eliminate the need for a bridge tender by allowing the bridge to be operated from a remote location. This proposed change would provide for the reasonable needs of navigation. Comments on this proposal should be forwarded to the above address attention (obr) no later than **October 26, 2004.** Copies of **PUBLIC NOTICE 5-1024** which describe the change in detail can be obtained by writing to the above address or by calling (757) 398-6422. Chart 12253.

**VII. GENERAL:** This section contains information of general concern to the mariner. Mariners are advised to use caution while transiting these areas. The following is a list of dredging/construction operations being conducted in the Fifth Coast Guard District. Mariners should be aware that the dredge and pontoon lines are held in place by cables, which are attached to anchors some distance from the dredge and pontoons. Buoys are attached to the anchors so that they may be moved as the dredge advances. Mariners are advised that dredges, tugs, barges, submerged and or floating navigation may be temporarily relocated to facilitate dredging. The dredge and related equipment will be lighted and marked in accordance with International or Inland Navigation Rules and the dredge will monitor Channels 13 and 16 VHF-FM unless otherwise noted. Mariners are cautioned to strictly comply with Inland Navigation Rules when approaching, passing and leaving the area of operation, to remain a safe distance from the equipment, and to contact the dredge for specific transiting information.

**CONSTRUCTION/DREDGING LOCAL NOTICE TO MARINERS NOTIFICATION DEADLINES**

Construction and dredging companies should notify **Commander, Fifth Coast Guard District (oan), 431 Crawford Street, Portsmouth, VA 23704-5004** at **least 3 weeks prior to operation** begin date for information to be published in the **Local Notice to Mariners.** It is requested that notification be delivered by letter or fax and followed up by telephone. Fax # (757) 398-6303 and voice Phone # (757) 398-6552 /6225, Or at the D5LOCAL INTERNET SITE.

LOCATION	DATE	DREDGE	LN#
DE – Roosevelt Inlet – Lewes Beach – Dredging	26 Aug – 26 Oct 2004	MARION	35/04
MD – Baltimore Harbor – Dredging	Until further notice	WEEKS MARINE	23/03
NJ – Fairless Turning Basin – Dredging	01 Oct 001 Nov 2004	PULLEN	39/04
NJ – Manasquan Inlet – Dredging	10 Oct – 31 Dec 2004	MIKE THOMAS	39/04
NJ – Cape May Inlet to Cape May Point – Beach Nourishment	20 Sep – 20 Dec 2004	R.N. WEEKS	37/04
VA – Norfolk Naval Station Pier 6 – Dredging	13 Sep – 15 Dec 2004	VIRGINIAN	37/04
VA – Norfolk Harbor Reach – Dredging	01 Oct – 01 Aug 2005	CHARLESTON	37/04
VA – Rappahannock RV/Hoskins Creek – Dredging	11 Sep - 23 Oct 2004	BLUE RIDGE	35/04
VA – York River – York River Refinery - Dredging	18 Aug – 30 Oct 2004	DREDGE DB-2400	32/04
VA – Elizabeth River – Craney Island Reach – Dredging	04 Jun – 04 Jan 2005	R.S. WEEKS	22/04
VA – Rudee Inlet – Dredging	Until Further Notice	RUDEE II	
VA – Elizabeth River – Western Branch – Bridge demolition/ Construction	Apr 2002 – Dec 2004	Tidewater Construction	16/02

NC – Lockwoods Folly – Dredging	20 Sep – 25 Oct 2005	RICHMOND	38/04
NC – Northeast Cape Fear River/Smith Creek Parkway – Bridge Construction	01 Jun – 31 Jan 2005	TIDEWATER CONSTR	19/03
NC – Oregon Inlet – Dredging	13 Sep – 12 Nov 2004	BEACHBUILDER	35/04

### **SUMMARY OF SHOALING**

The following list is a summary of shoaling within the Fifth Coast Guard District articles published in the **Local Notice to Mariners**. For the complete article see the number listed under REF **LNM**. However shoaling is subject to continual change. In many inlets hydrograph is not shown due to frequent changes. All mariners are urged to use caution when transiting these areas.

<b>LOCATION</b>	<b>PUBLISHED DATE</b>	<b>CHART</b>	<b>REF LNM.</b>
DE- ROOSEVELT INLET	25 Nov 03	12216	47/03
DE – ISLE OF WIGHT BAY	25 May 04	12221	21/04
NJICW – NJICW DBN 160 (LLNR 35645)	30 Dec 03	12316	52/03
PA-DE – SCHUYLKILL RIVER	27 Jan 04	12313	04/04
NJ- BARNEGAT INLET	27 Apr 04	12323	17/04
NJ – CAPE MAY HARBOR ENTRANCE	17 Feb 04	12317	07/04
MD – TANGIER ISLAND EAST CHANNEL	25 May 04	12228	21/04
MD – KNAPPS NARROWS	25 May 04	12266	21/04
MD – IRISH CREEK	23 Mar 04	12311	12/04
MD – POTOMAC RIVER – ST PATRICK CREEK	08 Jul 03	12285	27/03
MD – HONGA RIVER	25 Nov 03	12261	47/03
VA – VIP	25 May 04	12210	21/04
VA – NASSAWADOX CREEK	28 Feb 03	12224	04/03
VA – RUDEE INLET	23 Mar 04	12208	12/04
VA – LYNNHAVEN INLET	22 Jul 03	12254	29/03
NC – HATTERAS INLET	02 Jul 04	11545	27/04
NC – SHALLOTTE INLET	27 Apr 04	11534	17/04
NC – BEAUFORT HARBOR CHANNEL	25 Nov 03	11543	47/03
NC – CAROLINA BEACH INLET	25 Nov 03	11541	47/03
NC – CAROLINA BEACH HIGHRISE BRIDGE	28 Oct 03	11541	44/03
NC – HARKERS ISLAND	29 Apr 03	11545	17/03
NC – ALLIGATOR RIVER	23 Sep 03	11553	38/03
NC – LOCKWOODS FOLLY	29 Apr 03, 25 Nov 03	11541	17/03, 47/03
NC – BEAR/BROWNS INLET	14 Jan 03	11541	02/03
NC – BOGUE INLET	27 Apr 04	11534	17/04
NC – BOGUE SOUND	27 Apr 04	11541	17/04
NC – BOGUE SOUND/NEW RIVER	24 Feb 04	11541	09/04
NC – NEW TOPSAIL INLET	30 Dec 03	11541	52/03
NC – NEW RIVER INLET	24 Feb 04	11541	09/04
NC – MOREHEAD CITY CHANNEL	22 Jul 03	11541	29/03

### **CONCERNING BRIDGES ACROSS NAVIGABLE WATERS OF THE FIFTH COAST GUARD DISTRICT**

The following is a list of operating information for certain bridges within the Fifth Coast Guard District. Mariners are advised that the bridges may be operating on a temporary schedule, with reduced clearances, undergoing bridge repairs or under new bridge construction. Mariners are advised to proceed with caution, comply with Inland Navigation Rules at all bridges and to contact the bridge on channels 13 and 16 VHF-FM. For more information refer to the referenced **Local Notice To Mariner** or contact the **Commander, Fifth Coast Guard District (oan), 431 Crawford Street, Portsmouth, VA, 23704-5004** via written correspondence, by voice phone at (757) 398-6222., or at the LANTAREA Office Aids to Navigation INTERNET SITE.

<b>BRIDGE</b>	<b>TYPE</b>	<b>WATERWAY</b>	<b>MILE</b>	<b>SUBJECT</b>	<b>COMP. DATE</b>	<b>LNM</b>
Christina River Bridge	F	Delaware River	5.5	Bridge repairs	Until further notice	42/02
Ben Franklin Bridge		Delaware River	100.2	Painting/sandblasting	Until further notice	47/03
Third Street Bridge	B	Delaware/Christina River	2.3	Bridge repair	Until further notice	19/01
Hanover Street Bridge		Baltimore		Bridge inoperative	Until further notice	33/02
Woodrow Wilson Bridge	B	Potomac River	103.8	Bridge Replacement	Until further notice	20/01
SR 123 Occoquan River		Occoquan River	5.0	Bridge construction	30 May 2005	43/03
Amtrack Swing Bridge		Susquehanna Riv	1.0	Bridge repairs	Until further notice	28/00
Rochambeau Bridge		Potomac Riv	109.9	Painting/sandblasting	Until further notice	35/01
McGhan Bridge		NJICW Beach Thorofare	69.0	Bridge repair	Until further notice	33/02
Jones Creek		James River		Bridge Replacement	Until further notice	35/03
Weems/College Creek bridge		Weems and College Creek		Bridge Construction	Until further notice	16/04
Virginia Rt. 33/Lord Delaware Birdge.		Mattaponi River		Bridge Construction	Until further notice.	17/04

KEY: F=Fixed, DR=Draw, RIV=River, CH=Channel, HBR=Harbor, AICWW=Atlantic Intracoastal Waterway, B=Bascule, E=East(Eastern), W=West(Western), S=South(Southern), N=North(Northern), SW=Swing Bridge, SYS=System, RR=Railroad, Sked=Schedule, Constr=Construction, Rest=Restricted, SR=State Route, RSP=Removable Span, VL=Vertical Lift

### **SUMMARY OF GENERAL ARTICLES IN EFFECT FOR THE WATERS OF THE FIFTH COAST GUARD DISTRICT**

The following general information articles are in effect for the Fifth Coast Guard District. Information Articles will be published once upon request to **Commander, Fifth Coast Guard District (oan), 431 Crawford Street, Portsmouth, VA 23704-5004** via written correspondence, FAX at (757) 398-6303 or at the LANTAREA Office Aids to Navigation INTERNET SITE listed on the cover.

#### **NJ/PA – UPPER DELAWARE RIVER – FAIRLESS TURNING BASIN – DREDGING**

The Dredge PULLEN will be conducting dredging operations in Delaware River/ Fairless Turning Basin from **01 October, 2004** through **01 November,**

**2004.** A pipeline will run from the dredging area to the Disposal Area on Money Island. The dredge can be contacted on VHF-FM Channels 13 and 16. Mariners are requested to stay clear of the dredge, floating and submerged pipeline, buoys and wires and review comments concerning dredging operations under **General Articles VII**. Mariners are requested to exercise extreme caution and **no wake** when approaching, passing and leaving the dredge location and to strictly comply with Inland Rules of the Road and watch for indications of a submerged or partially submerged pipeline. **Chart: 12312.**

LNM 39/04

#### **NJ – MANASQUAN INLET – DREDGING**

The Dredge MIKE THOMAS will be conducting dredging operations in Manasquan Inlet from **10 October, 2004** through **31 December, 2004**. The dredge can be contacted on VHF-FM Channels 13 and 16. Mariners are requested to stay clear of the dredge, floating and submerged pipeline, buoys and wires and review comments concerning dredging operations under **General Articles VII**. Mariners are requested to exercise extreme caution and **no wake** when approaching, passing and leaving the dredge location and to strictly comply with Inland Rules of the Road and watch for indications of a submerged or partially submerged pipeline. **Charts: 12323 & 12324.**

LNM 39/04

#### **NJ – GREAT BAY – MULLICA RIVER – NACOTE CREEK - BRIDGE INFORMATION**

Mariners are advised to use caution when transiting the US 9 Bridge over Nacote Creek, mile 1.5, in Port Republic, New Jersey. Structural inspection crews will be on site from **September 20, 2004 to November 20, 2004**, from 8 a.m. to 4 p.m. Contractors will occupy a workboat in the vicinity. This movable operation will not impede vessel traffic. **Chart: 12316.**

LNM 38/04

#### **NJ – GREAT BAY - MULLICA RIVER – BRIDGE INFORMATION**

Mariners are advised to use caution when transiting the Route 563/Green Bank Road Bridge over Mullica River, mile 18.0, in Green Bank, New Jersey. Structural inspection crews will be on site from **September 20, 2004 to November 20, 2004**, from 8 a.m. to 4 p.m. Contractors will occupy a workboat in the vicinity. This movable operation will not impede vessel traffic. **Chart: 12316.**

LNM 38/04

#### **NJ – INTRACOASTAL WATERWAY (ICW) - LITTLE EGG HARBOR TO CAPE MAY – INSIDE THOROFARE – BRIDGE INFORMATION**

Mariners are advised to use caution when transiting the Dorset Avenue Bridge over Inside Thorofare, at ICW mile 71.2, in Ventnor City, New Jersey. Structural inspection crews will be on site from **September 20, 2004 to November 20, 2004**, from 8 a.m. to 4 p.m. Contractors will occupy a workboat in the vicinity. This movable operation will not impede vessel traffic. **Chart: 12316.**

LNM 38/04

#### **MD – CHESAPEAKE BAY – PATAPSCO RIVER - BRIDGE INFORMATION**

Mariners are advised to take caution when approaching the Francis Scott Key Bridge over the Patapsco River, Mile 6.0, in Baltimore, Maryland. The bridge will be cleaned and painted between **September 16, 2004 and June 16, 2005**. Barges will be used but the channel shall remain open/unrestricted for the passage of vessels. **Chart: 12278.**

LNM 37/04

#### **NC – NEUSE RIVER – TRENT RIVER – BRIDGE INFORMATION**

Mariners are advised that the SR 70 Bridge, at mile 0.0, across Trent River in New Bern, NC, will be maintained in the closed-to-navigation position from 7:45 a.m. to 9:30 a.m. on Saturday, **October 16, 2004**. The bridge will be closed to vessels to facilitate the Inaugural Think/Pink 5/10K Bridge run/walk. The available vertical clearance in the closed position to vessels is approximately 13 feet, at MHW. To avoid delays, mariners should adjust their schedule accordingly. **Chart: 11552.**

LNM 40/04

### **VIII. LIGHT LIST CORRECTIONS FOR COMDTPUBP16502.2 VOLUME II, 2004 EDITION.**

An asterisk\*, indicates the column in which a correction has been made or new information added.

LLNR	(2) Name and Location	(3) N/W Position	(4) Characteristic	(5) Ht	(6) Rng	(7) Structure	(8) Remarks	(9) LNM
1205	Harrah's Marina Buoy B						Remove from list. *	40/04
1210	Harrah's Marina Buoy C						Remove from list. *	40/04
2716	SALEM CANAL WEST LIGHT A						Remove from list. *	40/04
4630	Indian River Bay Shellfish Exclusion Buoy						Remove from list. *	40/04
4635	Indian River Bay Shellfish Exclusion Buoy						Remove from list. *	40/04
4640	Indian River Bay Shellfish Exclusion Buoy						Remove from list. *	40/04

7195	- Calibration Buoy						Remove from list. *	40/04
7245 21435	OLD PLANTATION FLATS LIGHT						Remove from list. *	40/04
7535	USN AERIAL GUNNERY AREA LIGHT A						Remove from list. *	40/04
8775	Abbey Point Obstruction Buoy						Remove from list. *	40/04
9395	- LIGHT B						Remove from list. *	40/04
9400	- WARNING LIGHT	<b>FI W 4s</b>	15	5	NW on pile worded DANGER OBSTRUCTION.			40/04
	*	*				*		
9490	Naval Base Daybeacon 3						Remove from list. *	40/04
9553	- North Channel Daybeacon 7						Remove from list. *	40/04
10350	- Daybeacon 4						Remove from list. *	40/04
10655	- LIGHT 10						Remove from list. *	40/04
12119.5	- Daybeacon 2S						Remove from list. *	40/04
12122	JAMESTOWN FESTIVAL PARK LIGHT						Remove from list. *	40/04
13110	Langley Yacht Club Buoy A						Remove from list. *	40/04
13115	Langley Yacht Club Buoy B						Remove from list. *	40/04
	<b>REMOVE HEADING</b>							40/04
	<b>Southern Branch</b> *							
15003	- Daybeacon 2S						Remove from list. *	
15003.1	- Daybeacon 4						Remove from list. *	40/04
15003.2	- Daybeacon 6						Remove from list. *	40/04
15003.3	- Daybeacon 8						Remove from list. *	40/04
15003.4	- Daybeacon 9						Remove from list. *	40/04
16625	- Buzzards Point Daybeacon 1						Remove from list. *	40/04



16640	- APPROACH LIGHT 2S	38 05 31 N 76 24 16 W *	QR	15	5	TR pile.		40/04
							*	
16912	Maryland Historical Trust Diving Preserve Mooring Buoy						Remove from list.	40/04
							*	
18120	STUMP NECK PIER LIGHT						Remove from list.	40/04
							*	
18750	Underwater Storage Sewer Marker Buoys (2)						Remove from list.	40/04
							*	
19380	- Entrance Daybeacon 6						Remove from list.	40/04
							*	
19781	CLASS OF 43 LIGHT						Remove from list.	40/04
							*	
20230	Spriggs Pond Warning Daybeacon A						Remove from list.	40/04
							*	
20305	- Royal Beach Association Buoy 2						Remove from list.	40/04
							*	
20365	- Patapsco River ½ Measured Mile Marker Buoy B						Remove from list.	40/04
							*	
20635	- RANGE FRONT LIGHT						Remove from list.	40/04
							*	
20640	- RANGE REAR LIGHT 800 yards, 038° from front light.						Remove from list.	40/04
							*	
20973	CURTIS BAY COMPANY TERMINAL DOCK LIGHT						Remove from list.	40/04
							*	
21435	OLD PLANTATION FLATS LIGHT	37 13 44 N 76 02 49 W	FI W 4s	39	8	NB on pile.	Higher intensity beam toward 200°	40/04
*								
21902	- Channel Daybeacon 12A						Remove from list.	40/04
							*	
22810	State Boundary Line Daybeacon G						Remove from list.	40/04
							*	
24895	- Buoy J						Remove from list.	40/04
							*	
25600	- Daybeacon 6						Remove from list.	40/04
							*	

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## **ENCLOSURES/LINKS/MARINE EVENTS/TEMPORARY SPECIAL REGULATIONS**

1. Change No. 01 to U.S. Coast Pilot 4, Atlantic Coast: Cape Henry, VA TO Key West, FL 2004 (36<sup>th</sup>) Edition.  
[HTTP://nauticalcharts.noaa.gov/nsd/cpdownload.htm](http://nauticalcharts.noaa.gov/nsd/cpdownload.htm)

### **2. Special Local Regulations for Marine Events: Southern Branch, Elizabeth River, Portsmouth, VA**

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish temporary special local regulations for the “**International Search and Rescue Competition**”, a marine event to be held on the waters of the Southern Branch of the Elizabeth River at Portsmouth, Virginia. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of the Southern Branch of the Elizabeth River during the event.

DATES: Comments and related material must reach the Coast Guard on or before [Insert date 30 days after date of publication in the FEDERAL REGISTER.].

ADDRESSES: You may mail comments and related material to Commander (oax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, hand-deliver them to Room 119 at the same address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays, or fax them to (757) 398-6203. The Auxiliary and Recreational Boating Safety Branch, Fifth Coast Guard District, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the above address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: S. L. Phillips, Project Manager, Auxiliary and Recreational Boating Safety Branch, at (757) 398-6204.

SUPPLEMENTARY INFORMATION:

#### **Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD05-04-138), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

In order to provide notice and an opportunity to comment before issuing an effective rule, we are providing a shorter than normal comment period. A 30-day comment period is sufficient to allow those who might be affected by this rulemaking to submit their comments because the regulations have a narrow, local application, and there will be local notifications in addition to the Federal Register publication such as press releases, marine information broadcasts, and the Local Notice to Mariners.

#### **Public Meeting**

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to Commander (oax), Fifth Coast Guard District at the address under ADDRESSES explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the Federal Register.

#### **Background and Purpose**

The United States and Canadian Coast Guard Auxiliaries will sponsor the “International Search and Rescue Competition”, a marine event to be held on the waters of the Southern Branch of the Elizabeth River at Portsmouth, Virginia, on **November 5 and 6, 2004**. The event will consist of International teams competing in various events designed to demonstrate competence in maritime search and rescue techniques. To provide for the safety of participants, spectators and support vessels, the Coast Guard proposes to temporarily restrict vessel traffic in the Southern Branch of the Elizabeth River, including the North Ferry Landing, during the event.

#### **Discussion of Proposed Rule**

The Coast Guard proposes to establish temporary special local regulations on waters of the Southern Branch of the Elizabeth River at Portsmouth, Virginia. The temporary regulations would be in effect from 8 a.m. to 6 p.m. on November 5 and 6, 2004. The effect would be to restrict general navigation in the regulated area during the event. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel would be allowed to enter or remain in the regulated area. The proposed regulated area is needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

#### **Regulatory Evaluation**

This proposed rule is not a “significant regulatory action” under section 3 (f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6 (a) (3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not “significant” under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and

procedures of DHS is unnecessary. Although this proposed regulation would prevent traffic from transiting the Southern Branch of the Elizabeth River during the event, the effect of this proposed regulation would not be significant due to the limited duration that the regulated area will be in effect, and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly. Additionally, the proposed regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic would be able to transit the Southern Branch of the Elizabeth River whenever the Coast Guard Patrol Commander determines it safe to do so.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 - 612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605 (b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit the Southern Branch of the Elizabeth River during the event.

This proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons. This proposed rule would be in effect for only a short period. The proposed regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic will be allowed to transit the Southern Branch of the Elizabeth River whenever the Coast Guard Patrol Commander determines it safe to do so. Before the enforcement period, we would issue maritime advisories so mariners can adjust their plans accordingly.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see ADDRESSES) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

#### Assistance for Small Entities

Under section 213 (a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the address listed under ADDRESSES. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

#### Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

#### Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

#### Unfunded Mandates Reform Act

*The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.*

#### Taking of Private Property

*This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.*

#### Civil Justice Reform

*This proposed rule meets applicable standards in sections 3 (a) and 3 (b) (2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.*

#### Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

#### **Indian Tribal Governments**

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

### *Environment*

We have analyzed this proposed rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded under figure 2-1, paragraph (34)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under those sections.

Under figure 2-1, paragraph (34)(h), of the Instruction, an "Environmental Analysis Check List" and a "Categorical Exclusion Determination" are not required for this rule. Comments on this section will be considered before we make the final decision on whether to categorically exclude this rule from further environmental review.

### *List of Subjects in 33 CFR Part 100*

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR Part 100 as follows:

### **PART 100-SAFETY OF LIFE ON NAVIGABLE WATERS**

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233, Department of Homeland Security Delegation No. 0170.1

2. Add temporary § 100.35-T05-138 to read as follows:

§ 100.35-T05-138: Southern Branch, Elizabeth River, Portsmouth, VA

(a) Regulated area. The regulated area is established for the waters of the Southern Branch of the Elizabeth River including the North Ferry Landing, from shoreline to shoreline, bounded to the north by a line drawn along Latitude 36°50'23" N and bounded to the south by a line drawn along Latitude 36°50'12" N. All coordinates reference Datum NAD 1983.

(b) Definitions:

(1) Coast Guard Patrol Commander means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Hampton Roads.

(2) Official Patrol means any vessel assigned or approved by Commander, Coast Guard Group Hampton Roads with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(c) Special local regulations:

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Official Patrol.

(ii) Proceed as directed by any Official Patrol.

(d) Effective period. This section is effective from 8 a.m. to 6 p.m. on November 5 and 6, 2004.

DATED: August 16, 2004

### **3. Special Local Regulations for Marine Events: Willoughby Bay, Norfolk, VA**

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary special local regulations during the "Hampton Roads Sailboard Classic", a marine event to be held **October 23 and 24, 2004** on the waters of Willoughby Bay, Norfolk, Virginia. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of Willoughby Bay during the event.

DATES: This rule is effective from 10 a.m. to 4:30 p.m. on October 23, 2004 and from 9:30 a.m. to 3 p.m. on October 24, 2004.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CGD05-04-184 and are available for inspection or copying at Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: D. M. Sens, Project Manager, Auxiliary and Recreational Boating Safety Branch, at (757) 398-6204.

SUPPLEMENTARY INFORMATION:

### *Regulatory Information*

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM would be impracticable and contrary to public interest, as the event will take place on October 23 and 24, 2004. The danger posed to participants by wakes from transiting vessels make special local regulations necessary to provide for the safety of event participants, support craft and other vessels transiting the event area.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the Federal Register. Delaying the effective date would be contrary to the public interest, since immediate action is needed to ensure the safety of participants, support craft, spectator craft and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event. Additionally, advance notifications will be made to affected users of the waterway via marine information broadcasts and area newspapers.

#### *Background and Purpose*

The Windsurfing Enthusiasts of Tidewater will sponsor the marine event "Hampton Roads Sailboard Classic" on October 23 and 24, 2004, on the waters of Willoughby Bay, Norfolk, Virginia. The event will consist of approximately 40 sailboards racing in heats along several courses within Willoughby Bay. Spectator vessels are expected to gather near the event site to view the competition. To provide for the safety of event participants, spectators and transiting vessels during the event, the Coast Guard will temporarily restrict vessel movement in the event area during the sailboard races.

#### Discussion of Rule

***The Coast Guard is establishing temporary special local regulations on specified waters of Willoughby Bay. The temporary special local regulations will be in effect from 10 a.m. to 4:30 p.m. on October 23, 2004 and from 9:30 a.m. to 3 p.m. on October 24, 2004. The effect will be to restrict general navigation in the regulated area during the event. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel will be allowed to enter or remain in the regulated area. Non-participating vessels desiring to transit Willoughby Bay during the event will be able to navigate safely around the regulated area. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.***

#### Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this temporary rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

***Although this regulation prevents traffic from transiting a portion of Willoughby Bay during the event, the effect of this regulation will not be significant because transiting vessels will be able to safely navigate around the regulated area and extensive advance notifications will be made to the maritime community via marine information broadcasts and area newspapers, so mariners can adjust their plans accordingly. Additionally, the regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary.***

#### *Small Entities*

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

***The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit this section of Willoughby Bay during the event.***

This rule will not have a significant economic impact on a substantial number of small entities for the following reasons. Transiting vessels will be able to safely navigate around the regulated area. Extensive advance notifications will be made to the maritime community via marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

## *Collection of Information*

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

## *Federalism*

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

*The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble*

## *Taking of Private Property*

*This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.*

## *Civil Justice Reform*

*This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.*

## Protection of Children

*We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.*

## Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

## *Energy Effects*

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

## Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

## *Environment*

We have analyzed this rule under Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (34)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are

specifically excluded from further analysis and documentation under those sections.

Under figure 2-1, paragraph (34)(h), of the Instruction, an "Environmental Analysis Check List" and a "Categorical Exclusion Determination" are not required for this rule.

*List of Subjects in 33 CFR Part 100*

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 100 as follows:

**PART 100 – SAFETY OF LIFE ON NAVIGABLE WATERS**

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233, Department of Homeland Security Delegation No. 0170.1.

2. Add a temporary section, § 100.35-T05-184 to read as follows:

**§ 100.35-T05-184, Willoughby Bay, Norfolk, VA.**

(a) **Regulated area.** The regulated area is established for the waters of Willoughby Bay contained within the following coordinates:

<b><u>Latitude</u></b>	<b><u>Longitude</u></b>
36° 58' 36.0" North	076° 18' 42.0" West
36° 58' 00.0" North	076° 18' 00.0" West
36° 57' 49.0" North	076° 18' 14.0" West
36° 57' 36.0" North	076° 17' 55.0" West
36° 57' 26.0" North	076° 18' 06.0" West
36° 58' 15.0" North	076° 19' 08.0" West
36° 58' 36.0" North	076° 18' 42.0" West

All coordinates reference Datum NAD 1983.

(b) **Definitions:**

(1) **Coast Guard Patrol Commander** means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Hampton Roads.

(2) **Official Patrol** means any vessel assigned or approved by Commander, Coast Guard Group Hampton Roads with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(c) **Special local regulations:**

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in this area shall:

(i) ***Stop the vessel immediately when directed to do so by any Official Patrol.***

(ii) Proceed as directed by any Official Patrol.

(d) **Effective Dates.** This section is in effect from 10 a.m. to 4:30 p.m. on October 23, 2004 and from 9:30 a.m. to 3 p.m. on October 24, 2004.

**4. Special Local Regulations for Marine Events; John H. Kerr Reservoir, Clarksville, VA**

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary special local regulations for "Clarksville Hydroplane Challenge", a power boat race to be held over the waters of the John H. Kerr Reservoir adjacent to Clarksville, Virginia. These special local regulations are necessary to provide for the safety of



life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of the John H. Kerr Reservoir adjacent to Clarksville, Virginia during the power boat race.

**DATES:** This rule is effective from 11:30 a.m. to 5:30 p.m. on **October 9 and 10, 2004.**

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket CGD05-04-190 and are available for inspection or copying at Commander (oax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** D. M. Sens, Project Manager, Auxiliary and Recreational Boating Safety Branch, at (757) 398-6204.

**SUPPLEMENTARY INFORMATION:**

*Regulatory Information*

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM would be impracticable, and contrary to public interest, as the event will take place on October 9 and 10, 2004. Immediate action is needed to protect the safety of life at sea from the danger posed by high-speed power boats.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the Federal Register. Delaying the effective date would be contrary to the public interest, since immediate action is needed to ensure the safety of the event participants, spectator craft and other vessels transiting the event area. However advance notifications will be made to affected waterway users via marine information broadcasts and area newspapers.

*Background and Purpose*

On **October 9 and 10, 2004**, the Virginia Boat Racing Association will sponsor the "Clarksville Hydroplane Challenge", on the waters of the John H. Kerr Reservoir. The event will consist of approximately 60 inboard hydroplanes racing in heats counter-clockwise around an oval racecourse. A fleet of spectator vessels is expected to gather nearby to view the competition. Due to the need for vessel control during the event, vessel traffic will be temporarily restricted to provide for the safety of participants, spectators and transiting vessels.

**Discussion of Rule**

The Coast Guard is establishing this rule on specified waters of the John H. Kerr Reservoir adjacent to Oconeechee State Park, Clarksville, Virginia. The regulated area includes a section of the John H. Kerr Reservoir approximately two miles long, and bounded in width by each shoreline. This rule will be enforced from 11:30 a.m. to 5:30 p.m. on October 9 and 10, 2004, and will restrict general navigation in the regulated area during the power boat race. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area during the enforcement period.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this temporary rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

Although this regulation prevents traffic from transiting a portion of the John H. Kerr Reservoir adjacent to Clarksville, Virginia during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via marine information broadcasts and area newspapers so mariners can adjust their plans accordingly.

*Small Entities*

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and

operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit this section of the John H. Kerr Reservoir during the event.

This rule will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for only a short period, from 11:30 a.m. to 5:30 p.m. on October 9 and 10, 2004. Although the regulated area will apply to the entire width of the reservoir adjacent to Oconeechee State Park, traffic may be allowed to pass through the regulated area with the permission of the Coast Guard patrol commander. In the case where the patrol commander authorizes passage through the regulated area during the event, vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the race course. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

#### *Collection of Information*

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

#### *Federalism*

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

#### *Unfunded Mandates Reform Act*

*The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.*

#### *Taking of Private Property*

*This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.*

#### *Civil Justice Reform*

*This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.*

#### Protection of Children

*We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.*

#### Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### *Energy Effects*

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### **Technical Standards**

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### *Environment*

We have analyzed this rule under Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (34)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine event permit are specifically excluded from further analysis and documentation under those sections. Under figure 2-1, paragraph (34)(h), of the Instruction, an "Environmental Analysis Check List" and a "Categorical Exclusion Determination" are not required for this rule.

#### *List of Subjects in 33 CFR Part 100*

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 100 as follows:

#### **PART 100-SAFETY OF LIFE ON NAVIGABLE WATERS**

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233, Department of Homeland Security Delegation No. 0170.1.

2. Add temporary § 100.35-T05-190 to read as follows:

§ 100.35-T05-190, John H. Kerr Reservoir, Clarksville, Virginia.

(a) Regulated area. The regulated area is established for the waters of the John H. Kerr Reservoir, adjacent to Oconeechee State Park, Clarksville, Virginia, from shoreline to shoreline, bounded on the south by a line running northeasterly from a point along the shoreline at latitude 36°36'12" N, longitude 078°31'22" W, to latitude 36°36'48" N, longitude 078°30'47" W, and bounded on the north by the Route 15 highway bridge. All coordinates reference Datum NAD 1983.

(b) Definitions:

(1) Coast Guard Patrol Commander means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Hampton Roads.

(2) Official Patrol means any vessel assigned or approved by Commander, Coast Guard Group Hampton Roads with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(c) Special local regulations:

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) the operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Official Patrol.

(ii) All persons and vessels shall comply with the instructions of the Official Patrol. The operator of a vessel in the regulated area shall stop the vessel immediately when instructed to do so by the Official Patrol and then proceed as directed. When authorized to transit the regulated area, all vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the race course.

(d) Effective period. This section will be effective from 11:30 a.m. to 5:30 p.m. on October 9 and 10, 2004.

**Dated: September 28, 2004**

## **5. Special Local Regulations for Marine Events; Delaware River, Philadelphia, PA and Camden, NJ**

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary special local regulations for "The Liberty Grand Prix", a power boat race to be held over the waters of the Delaware River adjacent to Philadelphia, PA and Camden, NJ. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic between the Walt Whitman and Benjamin Franklin bridges in the Delaware River during the power boat race.

DATES: This rule is effective from 9:30 a.m. on **October 9, 2004** to 3:30 p.m. on **October 10, 2004**.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CGD05-04-195 and are available for inspection or copying at Commander (oax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dennis M. Sens, Project Manager, Auxiliary and Recreational Boating Safety Branch, at (757) 398-6204.

SUPPLEMENTARY INFORMATION:

### *Regulatory Information*

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM would be impracticable, and contrary to public interest, as the event will take place on October 9 and 10, 2004. Immediate action is needed to protect the safety of life at sea from the danger posed by high-speed power boats.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the Federal Register. Delaying the effective date would be contrary to the public interest, since immediate action is needed to ensure the safety of the event participants, spectator craft and other vessels transiting the event area. However advance notifications will be made to affected waterway users via marine information broadcasts and area newspapers.

### *Background and Purpose*

On October 9 and 10, 2004, the Offshore Performance Association, Inc. will sponsor the "The Liberty Grand Prix", on the waters of the Delaware River. The event will consist of approximately 50 inboard hydroplanes racing in heats counter-clockwise around an oval race course. A fleet of spectator vessels is anticipated to gather nearby to view the competition. Due to the need for vessel control during the event, vessel traffic will be temporarily restricted to provide for the safety of participants, spectators and transiting vessels.

### **Discussion of Rule**

The Coast Guard is establishing this rule on specified waters of the Delaware River adjacent to Philadelphia, PA and Camden, NJ. The

regulated area includes a section of the Delaware River approximately two miles long, and bounded in width by each shoreline, and to the south by the Walt Whitman Bridge and bounded to the north by the Benjamin Franklin Bridge. This rule will only be enforced from 9:30 a.m. to 3:30 p.m. on October 9 and 10, 2004, and will restrict general navigation in the regulated area during the power boat race. The Coast Guard, at its discretion, when practical will allow the passage of vessels when races are not taking place. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area during the enforcement period.

#### Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this temporary rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

Although this regulation prevents traffic from transiting a segment of the Delaware River adjacent to Philadelphia, PA and Camden, NJ during the event, the impact of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via marine information broadcasts and area newspapers so mariners can adjust their plans accordingly.

#### *Small Entities*

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit this section of the Delaware River during the event.

This rule will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for only a short period, from 9:30 a.m. to 3:30 p.m. on October 9 and 10, 2004. Although the regulated area will apply to the entire width of the Delaware River between the Walt Whitman and Benjamin Franklin bridges, traffic may be allowed to pass through the regulated area with the permission of the Coast Guard patrol commander. In the case where the patrol commander authorizes passage through the regulated area during the event, vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the race course. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

#### *Collection of Information*

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

## *Federalism*

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

## *Unfunded Mandates Reform Act*

*The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.*

## *Taking of Private Property*

*This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.*

## *Civil Justice Reform*

*This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.*

## Protection of Children

*We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.*

## Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

## *Energy Effects*

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

## **Technical Standards**

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

## *Environment*

We have analyzed this rule under Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of a

categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (34)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine event permit are specifically excluded from further analysis and documentation under those sections. Under figure 2-1, paragraph (34)(h), of the Instruction, an "Environmental Analysis Check List" and a "Categorical Exclusion Determination" are not required for this rule.

*List of Subjects in 33 CFR Part 100*

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

**PART 100-SAFETY OF LIFE ON NAVIGABLE WATERS**

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233, Department of Homeland Security Delegation No. 0170.1.

2. Add temporary § 100.35T05-195 to read as follows:

§ 100.35T05-195, Delaware River, Philadelphia, PA, Camden, NJ.

(a) Regulated area. The regulated area is established for the waters of the Delaware River, adjacent to Philadelphia, PA and Camden, NJ, from shoreline to shoreline, bounded on the south the Walt Whitman Bridge and bounded on the north by the Benjamin Franklin Bridge. All coordinates reference Datum NAD 1983.

(d) Definitions:

(1) Coast Guard Patrol Commander means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Philadelphia.

(2) Official Patrol means any vessel assigned or approved by Commander, Coast Guard Group Philadelphia with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(e) Regulations:

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) the operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Official Patrol and then proceed only as directed.

(ii) All persons and vessels shall comply with the instructions of the Official Patrol.

(iii) The operator of a vessel in the regulated area shall stop the vessel immediately when instructed to do so by the Official Patrol and then proceed as directed. When authorized to transit the regulated area, all vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the race course.

(d) Enforcement period. This section will be effective from 9:30 a.m. to 3:30 p.m. on October 9 and 10, 2004.

**Dated: October 1, 2004**

## **6. Anchorage Grounds, Hampton Roads, VA**

**ACTION: Notice of proposed rulemaking.**

**SUMMARY:** The Coast Guard proposes to revise the anchorage regulations in the Port of Hampton Roads. Infrastructure improvements and increases in vessel traffic and draft entering the port have prompted this proposed rulemaking. The proposed changes to this regulation will ensure that the Hampton Roads Anchorage Grounds continue to safely support current and future vessel anchoring demands.

**DATES:** Comments must be received on or before **[Insert date 90 days after publication in the Federal Register]**

**ADDRESSES:** You may mail comments and related material to

Commander (oan), Fifth Coast Guard District, 431 Crawford Street, Room 401, Portsmouth, VA 23704-5004. Commander (oan), Fifth Coast Guard



District, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the Fifth Coast Guard District between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Junior Grade Timothy Martin, Fifth Coast Guard District (oan), (757) 398-6285, between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

#### **SUPPLEMENTARY INFORMATION:**

##### Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD05-04-043), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please, submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

##### Public Meeting

We do not now plan to hold a public meeting. But, you may submit a request for a meeting by writing to the Aids to Navigation and Waterways Management Branch at the address under ADDRESSES explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will

hold one at a time and place announced by a later notice in

#### **the Federal Register.**

##### Background and Purpose

Recreational, public, and commercial vessels use the Hampton Roads Anchorage Grounds. General regulations covering the anchorage of vessels in the port are set out in 33 CFR 110.168. In June 1986, the U.S. Army Corps of Engineers (USACE) completed a study of the Norfolk Harbor, including its anchorages. The study is entitled, "General Design Memorandum 1, Norfolk Harbor and Channels, Virginia, Main Report." Comments from the Coast Guard, Navy, Virginia Port Authority, Virginia Pilots Association and Hampton Roads Maritime Association requesting improvements to Anchorages F and K were considered in the study.

Anchorage F currently has two 400-yard radius berths. The USACE, in 1998, constructed a single 500-yard radius berth for Anchorage F and is currently maintaining the anchorage at a project depth of 50 feet. This proposed rule would change Anchorage F to a single 500 yard radius berth to reflect the construction completed by the USACE in 1998. The USACE was congressionally authorized in November of 1986 to increase the channel depth of Anchorage F to 55 feet deep, see H. Doc. 99-85, 99th Cong., 1st session. Improvements were also proposed by the Coast Guard to the Newport News Middle Ground, Anchorage K, by increasing the easternmost berth, K-1 from a swing radius of 400 yards to one of 500 yards. In addition, Berth K-2, currently maintained at 40 feet, would be deepened to 45 feet. The increase in size to Berth K-1, the increase in depth to Berth K-2 and the increase in depth to Anchorage F have all been congressionally authorized and will be scheduled once the increase in arrivals of vessels with deeper drafts support the project. The circular boundaries for Berth K-1, referred to as East Anchorage, and Berth K-2, referred to as West Anchorage, will be shown on future chart editions for the area when the final rule for this regulation is published.

**It is proposed that Anchorage K be separated into an upper and lower section, and divided by the Fairway for Shallow Draft Vessels and Tows. This would restrict vessels from anchoring inside the limits of that channel.**

**A new quarantine anchorage, new Anchorage Q, is proposed to replace Berth K-3, which is currently not maintained by the USACE. The new quarantine anchorage would be located east of York Spit Channel between Chesapeake Channel Lighted Buoy 36 and Chesapeake Channel Lighted Buoy 38 west of Cape Charles. The new anchorage would be located in naturally deep water with charted depths in excess of 60 feet and would have two 500-yard, swing-radius berths.**

Current trends indicate that shipping companies will call on the Port of Hampton Roads using larger, deeper draft vessels, thereby creating a need for fewer trips when visiting the port of Hampton Roads in the future. With the increase in size, The Navigation Plan for the Port of Hampton Roads, conducted by the USACE in February of 2000, indicated that by the year 2010 almost 40 percent of containerized cargo will be moved on ships capable of carrying 4,000 twenty-foot trailer equivalent units (TEU). Some "Mega Ships" already in service are capable of carrying up to 6,000 TEUs. The average container ship calling on the port today carries between 1,500 and 4,000 TEUs. The bulk carriers that

call on the Port of Hampton Roads have also increased in size and will play a significant role in the port's future design considerations. In addition to the projected increase in the size of vessels calling on the Port of Hampton Roads, there are two infrastructure improvement projects in the port that affect the anchorage grounds. In September 2001, APM Terminals North America, Inc. (Maersk) purchased 570 acres of property located on the Elizabeth River, south of Craney Island. Dredging has begun in the vicinity of Anchorage P for the development of a major marine container handling facility on this property. The first ship is due to moor at this new terminal sometime in 2007. Anchorage P lies between the future terminal and the Federal navigation channel. Parts of Anchorage P will be made unusable following completion of the terminal and the approach channels. Maersk has requested the discontinuation of Anchorage P.

Likewise, the construction of the Norfolk International Terminal North (NIT North) approach channel, which passes through the existing Anchorage M, has rendered that anchorage unusable. This proposed rule would discontinue Anchorage M.

To further enhance the safety of the port anchorages, this rule proposes to amend the regulations of the boundaries of Berths 3 and 4 within Explosive Anchorage G. Currently, these berths overlap each other and pose a potential hazard to anchored vessels. The proposed rule would separate the berths, eliminating the risk of collision as a result of overlapping swing circles.

The proposed rule would rename existing Anchorage R as Anchorage M, rename existing Anchorage T as Anchorage N, rename existing Anchorage U, The Hague, as Anchorage O, The Hague.

The proposed rule would eliminate existing Anchorages

Q and S. The proposed changes are listed in the following

Table:

Current Anchorage [33 CFR 110.168 (a)]	Proposed Change
A-Cape Henry Naval Anchorage (1 )	No change
B-Chesapeake Bay, Thimble Shoals Channel Naval Anchorage (CBTSC) [(2)(i)]	No change
C-CBTSC Naval Anchorage [(2)(ii)]	No change
D-CBTSC Navel Anchorage [(2)(iii)]	No change
E-Commercial Explosive Anchorage [(2)(iv)]	No change
E-1 Explosive Handling Berth [(2)(iv)(A)]	No change
F-Hampton Bar [(3)(i)]	No changes to anchorage limits. One 500-yard swing radius berth would replace two 400 yard swing radius berths. Single berth dredged to a depth of 50 feet in 1998, authorized depth 55 feet. New regulations would be included in part [(e)(3)] excluding vessels with drafts less than 45 ft from using Anchorage F without permission from the Captain of the Port. Previously, vessels with a draft less than 40 ft and a length of less than 700 ft were excluded.
F-1 [(3)(i)(A)]	Designation would refer to 500 yard berth.
F-2 [(3)(i)(B)]	Discontinue F-2
G-Hampton Flats Naval Explosives Anchorage [(3)(ii)]	New center positions created for Berths 3 and 4, which would remove overlapping circumferences
G-1 Explosives Handling Berth [(3)(ii)(A)]	No change
G-2 Explosives Handling Berth [(3)(ii)(B)]	No change
G-3 Explosives Handling Berth [(3)(ii)(C)]	A new center position would replace current center position to remove overlapping circumferences with G-4.
G-4 Explosives Handling Berth [(3)(ii)(D)]	A new center position would replace current center position to remove overlapping circumferences with G-3.
H - Newport News Bar [(3)(iii)]	No change

I - Newport News [(4)(i)]	No change to existing boundary lines. A new center position is proposed for Berth I-2.
I-1 [(4)(i)(A)]	No change
I-2 [(4)(i)(B)]	A new center position would replace current center position removing ambiguous boundary lines.
J - Newport News Middle Ground [(4)(ii)]	No change
K – Newport News Middle Ground [(4)(iii)] Anchorage [(3)(ii)]	Replace boundary lines for K-1 and K-2 with berth circumferences. The CG proposes to remove K-3. Separate Anchorage K into an Upper and Lower section.
K-1 East Anchorage [(4)(iii)(A)]	K-1 would have a 400 yard swing radius and be maintained at a depth of 45 ft. Future plans include increasing the swing radius to 500 yards.
K-2 - West Anchorage [(4)(iii)(B)]	K-2 would have a 400 yard swing radius and be maintained at a depth of 40 ft. Future plans include increasing the depth to 45 ft.
K-3 - Quarantine Berth [(4)(iii)(C)]	We propose to remove K-3 and establish a new quarantine anchorage adjacent to Cape Charles, east of York Spit Channel.
L-Craney Island Flats [(4)(iv)]	No change
M-Norfolk Harbor Channel Anchorages (NHCA) [(5)(i)]	Old Anchorage M would be eliminated.
N-NHCA [(5)(ii)]	Old Anchorage N would be eliminated
O-NHCA [(5)(iii)]	Old Anchorage O would be eliminated.
P-Lambert's Point [(6)(i)]	We would eliminate Anchorage P.
Q-Elizabeth River Anchorage (ERA)[(6)(ii)]	Old Anchorage Q would be eliminated
R-ERA, Port Norfolk [(6)(iii)]	Current Anchorage R would be redesignated Anchorage M.
S-ERA, Port Norfolk [(6)(iv)]	We would eliminate Anchorage S.
T-ERA, Hospital Point [(6)(v)]	We would rename Anchorage T Anchorage N.
U-The Hague [(7)]	We would discontinue the use of the Anchorage U designation. Current Anchorage U would be redesignated Anchorage O.
Q-Quarantine Anchorage	We propose to establish a new quarantine anchorage adjacent to Cape Charles east of York Spit Channel.

#### Discussion of Proposed Rule

No changes are proposed for Anchorage grounds A, B, C, D, and E. Regulations for Anchorage F would establish one 500 yard radius berth (F-1) that would replace the two 400 yard radius berths. Under our proposed regulations, vessels with a draft less than 45 feet would not be able to anchor in berth F-1 without permission from the Captain of the Port. Currently, vessels with a draft less than 40 feet and a length of less than 700 feet are excluded from using Anchorage F without permission from the Captain of the Port. Anchorage berth F-2 would be discontinued.

New center positions have been calculated for Berths G-3 and G-4 to separate intersecting circumferences. This action would remove any ambiguity and address safety concerns involving overlapping swing circles. Berths G-1 and G-2 would remain unchanged.

A new center position has been calculated for Berth I-2 to position it entirely within the boundary surrounding Anchorage I. The new position will move the berth northeast and remove any ambiguity associated with the limits of Anchorage I or Berth I-2.

No changes are proposed for Anchorages H and J. There are no ongoing improvement projects occurring in Anchorage K other than those required to maintain the two 400 yard radius berths. The circular boundary lines for Berth K-1, East Anchorage, and for Berth K-2, West Anchorage, would be shown on future chart editions instead of the current linear berth boundaries. Berth K-3 would be discontinued. No changes are proposed for Anchorage L.

Anchorage M, formerly referred to as Anchorage R, and Anchorage N, formerly referred to as Anchorage T, would remain available for small boat usage. Anchorage O, formerly referred to as Anchorage U, or The Hague, would also remain available for small boat usage.

A new anchorage would be established to replace the current quarantine berth designated K-3. The current language in 33 CFR 110.168 listing specific regulations for Berth K-3 will be removed. The new quarantine anchorage would be designated Q and located east of York River Spit Channel between Chesapeake Channel Lighted Buoy 36 and Chesapeake Channel Lighted Buoy 38. Two berths, Q-1 and Q-2, each having a radius of 500 yards, would be designated within Anchorage Q. Specific regulations for Quarantine Anchorage, Anchorage Q, formerly Berth K-3, have been added to section (e) of the revised regulation. The letter designations P, R, S, T, and U would be discontinued.

#### **Regulatory Evaluation**

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

The proposed rule changes complement current anchorage usage and waterway modifications made by the USACE resulting in minimal impact.

#### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. The proposed rule would affect the owners or operators of small pleasure craft wishing to anchor in the Elizabeth River anchorages that would be discontinued due to shallow natural water depths.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have significant economic impact on it, please submit a comment (see ADDRESSES) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

#### **Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its affects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant Junior Grade Timothy Martin, Fifth Coast Guard District (oan), at (757) 398-6285. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

#### **Collection of Information**

*The proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).*

#### **Federalism**

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

#### **Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### Taking of Private Property

This proposed rule would not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

### Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

### Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

### Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

### Energy Effects

**We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.**

### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

**This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.**

### Environment

We have analyzed this proposed rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (34)(f), of the Instruction, from further environmental documentation. The proposed rule deals directly with establishing, disestablishing and renaming anchorage areas.

A draft “Environmental Analysis Check list” and a draft “Categorical Exclusion Determination” are available in the docket where indicated under ADDRESSES. Comments on this section will be considered before we make a final decision on whether the rule should be categorically excluded from further environmental review.

### List of subjects in 33 CFR Part 110

#### **Anchorage grounds**

**For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 110 as follows:**

#### **PART 110--ANCHORAGE REGULATIONS**

1. The authority for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, and 2071; 33 CFR 1.05-1(g); Department of Homeland Security Delegation No. 0170.1.

2. Revise § 110.168 to read as follows:

#### **§ 110.168 Hampton Roads, Virginia and adjacent waters (Datum: NAD 83).**

(a) Anchorage Grounds. (1) Anchorage A (Naval Anchorage). The waters bounded by the shoreline and a line connecting the following points:

Latitude	Longitude
36°55'33.0" N.	76°02'47.0" W.
36°57'02.8" N.	76°03'02.6" W.
36°56'45.0" N.	76°01'30.0" W.
36°55'54.0" N.	76°01'37.0" W.

(2) Chesapeake Bay, Thimble Shoals Channel Anchorages.

(i) Anchorage B (Naval Anchorage). The waters bounded by a line connecting the following points:

Latitude	Longitude
36°57'58.0" N.	76°06'07.0" W.
36°57'11.0" N.	76°03'02.1" W.
36°55'48.8" N.	76°03'14.0" W.
36°56'31.8" N.	76°06'07.0" W.
36°57'04.0" N.	76°06'07.0" W.
36°57'08.5" N.	76°06'24.5" W.

(ii) Anchorage C (Naval Anchorage). The waters bounded by a line connecting the following points:

Latitude	Longitude
36°58'54.8" N.	76°09'41.5" W.
36°58'18.8" N.	76°07'18.0" W.
36°57'27.0" N.	76°07'37.5" W.
36°58'04.0" N.	76°10'00.0" W.

(iii) Anchorage D (Naval Anchorage). The waters bounded by the shoreline and a line connecting the following points:

Latitude	Longitude
36°55'49.0" N.	76°10'32.8" W.
36°58'04.0" N.	76°10'02.1" W.
36°57'31.2" N.	76°07'54.8" W.
36°55'24.1" N.	76°08'28.8" W.

(iv) Anchorage E (Commercial Explosive Anchorage). The waters bounded by a line connecting the following points:

Latitude	Longitude
36°59'58.7" N.	76°13'47.0" W.
36°59'08.2" N.	76°10'33.8" W.
36°58'13.0" N.	76°10'51.8" W.
36°59'02.0" N.	76°14'10.2" W.

(A) Explosive Handling Berth E-1 (Explosives Anchorage Berth): The waters bounded by the arc of a circle with a radius of 500 yards and with the center located at:

Latitude	Longitude
36°59'05.0" N.	76°11'23.0" W.

(3) Hampton Roads Anchorages. (i) Anchorage F, Hampton Bar. The waters bounded by a line connecting the following points:

Latitude	Longitude
36°59'51.6" N.	76°19'12.0" W.
36°59'25.2" N.	76°18'48.5" W.
36°58'49.1" N.	76°19'33.8" W.
36°59'25.0" N.	76°20'07.0" W.

(A) Anchorage Berth F-1. The waters bounded by a line connecting the arc of a circle with a radius of 500 yards and with the center located at:

Latitude	Longitude
36°59'29.1" N.	76°19'15.1" W.

(ii) Anchorage G, Hampton Flats (Naval Explosives Anchorage). The waters bounded by a line connecting the following points:

Latitude	Longitude
36°59'25.0" N.	76°20'07.0" W.
36°58'49.1" N.	76°19'33.8" W.

36°57'41.4" N.	76°21'07.7" W.
36°57'34.6" N.	76°21'26.7" W.
36°57'31.1" N.	76°22'01.9" W.
36°58'07.0" N.	76°22'03.0" W.
36°58'54.8" N.	76°21'42.6" W.

(A) Explosives Handling Berth G-1. The waters bounded by the arc of a circle with a radius of 500 yards and with the center located at:

<b>Latitude</b>	<b>Longitude</b>
36°57'50.0" N.	76°21'37.0" W.

(B) Explosives Handling Berth G-2. The waters bounded by the arc of a circle with a radius of 500 yards and with the center located at:

<b>Latitude</b>	<b>Longitude</b>
36°58'14.0" N.	76°21'01.5" W.

(C) Explosives Handling Berth G-3. The waters bounded by the arc of a circle with a radius of 500 yards and with the center located at:

<b>Latitude</b>	<b>Longitude</b>
36°58'34.2" N.	76°20'31.4" W.

(D) Explosives Handling Berth G-4. The waters bounded by the arc of a circle with a radius of 500 yards and with the center located at:

<b>Latitude</b>	<b>Longitude</b>
36°58'54.9" N.	76°20'03.2" W.

(iii) Anchorage H, Newport News Bar. The waters bounded by a line connecting the following points:

<b>Latitude</b>	<b>Longitude</b>
36°58'07.0" N.	76°22'03.0" W.
36°57'31.1" N.	76°22'01.9" W.
36°57'18.0" N.	76°24'11.2" W.
36°57'38.3" N.	76°24'20.0" W.
36°57'51.8" N.	76°22'31.0" W.

(4) James River Anchorages. (i) Anchorage I, Newport News. The waters bounded by a line connecting the following points:

<b>Latitude</b>	<b>Longitude</b>
36°57'06.7" N.	76°24'44.3" W.
36°56'22.6" N.	76°24'28.0" W.
36°56'03.0" N.	76°24'37.0" W.
36°57'53.7" N.	76°26'41.5" W.
36°58'23.0" N.	76°27'11.0" W.
36°58'48.5" N.	76°27'11.0" W.
36°58'35.4" N.	76°26'38.4" W.
36°57'51.7" N.	76°26'02.8" W.
36°57'30.6" N.	76°25'34.5" W.

(A) Anchorage Berth I-1. The waters bounded by the arc of a circle with a radius of 400 yards and with the center located at:

<b>Latitude</b>	<b>Longitude</b>
36°57'08.5" N.	76°25'21.6" W.

(B) Anchorage Berth I-2. The waters bounded by the arc of a circle with a radius of 400 yards and with the center located at:

<b>Latitude</b>	<b>Longitude</b>
36°57'23.8" N.	76°25'46.0" W.

(ii) Anchorage J, Newport News Middle Ground. The waters bounded by a line connecting the following points:

<b>Latitude</b>	<b>Longitude</b>
36°57'21.0" N.	76°22'22.1" W.
36°56'46.5" N.	76°22'39.3" W.
36°56'25.3" N.	76°23'48.0" W.
36°57'10.2" N.	76°24'09.9" W.

(iii) Anchorage K Upper, Newport News Middle Ground. The waters bounded by a line connecting the following points:



<b>Latitude</b>	<b>Longitude</b>
36°57'56.4" N.	76°20'30.5" W.
36°57'08.5" N.	76°20'31.0" W.
36°56'48.8" N.	76°20'20.1" W.
36°56'45.0" N.	76°20'32.0" W.
36°56'45.0" N.	76°21'37.7" W.
36°56'59.2" N.	76°22'31.5" W.
36°57'21.0" N.	76°22'22.1" W.
36°57'28.1" N.	76°21'11.7" W.

(A) Anchorage Berth K-1. The waters bounded by the arc of a circle with a radius of 400 yards and with the center located at:

<b>Latitude</b>	<b>Longitude</b>
36°57'30.5" N.	76°20'45.3" W.

(B) Anchorage Berth K-2. The waters bounded by the arc of a circle with a radius of 400 yards and with the center located at:

<b>Latitude</b>	<b>Longitude</b>
36°57'16.8" N.	76°21'09.5" W.

(iv) Anchorage K Lower, Newport News Middle Ground. The waters bounded by a line connecting the following points:

<b>Latitude</b>	<b>Longitude</b>
36°55'59.9" N.	76°22'11.7" W.
36°55'59.9" N.	76°24'00.0" W.
36°56'25.3" N.	76°23'48.0" W.
36°56'46.5" N.	76°22'39.3" W.
36°56'53.1" N.	76°22'34.5" W.
36°56'38.5" N.	76°21'39.1" W.
36°56'38.5" N.	76°20'47.0" W.

(v) Anchorage Berth L, Craney Island Flats. The waters bounded by a line connecting the following points:

<b>Latitude</b>	<b>Longitude</b>
36°56'48.8" N.	76°20'20.1" W.
36°56'04.2" N.	76°20'23.7" W.
36°55'59.9" N.	76°22'11.7" W.

(5) Elizabeth River Anchorages. (i) Anchorage M, Port Norfolk. The waters bounded by a line connecting the following points:

<b>Latitude</b>	<b>Longitude</b>
36°51'45.7" N.	76°19'31.5" W.
36°51'45.8" N.	76°19'20.7" W.
36°51'37.8" N.	76°19'24.3" W.
36°51'32.5" N.	76°19'31.1" W.
36°51'40.7" N.	76°19'37.3" W.
36°51'45.7" N.	76°19'31.5" W.

(ii) Anchorage N, Hospital Point. The waters bounded by a line connecting the following points:

<b>Latitude</b>	<b>Longitude</b>
36°50'50.0" N.	76°18'00.0" W.
36°51'05.4" N.	76°18'22.4" W.
36°50'36.7" N.	76°17'52.8" W.
36°50'33.6" N.	76°17'58.8" W.
36°50'49.3" N.	76°18'09.0" W.
36°50'50.3" N.	76°18'07.8" W.
36°50'56.2" N.	76°18'12.5" W.
36°51'01.8" N.	76°18'32.3" W.

(iii) Anchorage O, The Hague. The waters of the basin known as "The Hague", north of the Brambleton Avenue Bridge, except for the area within 100 feet of the bridge span that provides access to and from the Elizabeth River.

(6) Anchorage Q, Quarantine Anchorage. The waters bounded by a line connecting the following points:

Latitude	Longitude
37°17'13.7" N	76°06'41.6" W.
37°17'30.3" N.	76°05'53.9" W.
37°16'25.0" N.	76°05'18.4" W.
37°16'08.4" N	76°06'06.0" W.

(A) Anchorage Berth Q-1. The waters bounded by the arc of a circle with a radius of 500 yards and with the center located at:

Latitude	Longitude
37°17'05.7" N.	6°06'08.9" W.

(B) Anchorage Berth Q-2. The waters bounded by the arc of a circle with a radius of 500 yards with the center located at:

Latitude	Longitude
37°16' 33.0" N.	76°05'51.1" W.

(b) Definitions. As used in this section--

Class 1 (explosive) materials means Division 1.1, 1.2, 1.3, and 1.4 explosives, as defined in 49 CFR 173.50.

Dangerous cargo means "certain dangerous cargo" as defined in § 160.204 of this title.

U.S. naval vessel means any vessel owned, operated, chartered, or leased by the U.S. Navy; any pre-commissioned vessel under construction for the U.S. Navy, once launched into the water; and any vessel under the operational control of the U.S. Navy or a Combatant Command.

(c) General regulations. (1) Except as otherwise provided, this section applies to vessels over 20 meters long and vessels carrying or handling dangerous cargo or Class 1 (explosive) materials while anchored in an anchorage ground described in this section.

(2) Except as otherwise provided, a vessel may not occupy an anchorage for more than 30 days, unless the vessel obtains a permit from the Captain of the Port.

(3) Except in an emergency, a vessel that is likely to sink or otherwise become a menace or obstruction to navigation or to the anchoring of other vessels, may not occupy an anchorage, unless the vessel obtains a permit from the Captain of the Port.

(4) The Captain of the Port may, upon application, assign a vessel to a specific berth within an anchorage for a specified period of time.

(5) The Captain of the Port may grant a revocable permit to a vessel for a habitual use of a berth. Only the vessel that holds the revocable permit may use the berth during the period that the permit is in effect.

(6) The Commander, Fifth Coast Guard District, may authorize the establishment and placement of temporary mooring buoys within a berth. Placement of a fixed structure within an anchorage may be authorized by the District Engineer, U.S. Army Corps of Engineers.

(7) If an application is for the long-term lay up of a vessel, the Captain of the Port may establish special conditions in the permit with which the vessel must comply.

(8) Upon notification by the Captain of the Port to shift its position within an anchorage, a vessel at anchor must get underway at once or signal for a tug. The vessel must move to its new location within 2 hours after notification.

(9) The Captain of the Port may prescribe specific conditions for vessels anchoring within the anchorages described in this section, including, but not limited to, the number and location of anchors, scope of chain, readiness of engineering plant and equipment, usage of tugs, and requirements for maintaining communications guards on selected radio frequencies.

(10) A vessel that does not have a sufficient crew on board to weigh anchor at any time must have two anchors in place, unless the Captain of the Port waives this requirement. Members of the crew may not be released until the required anchors have been set.

(11) No vessel at anchor or at a mooring within an anchorage may transfer oil to another vessel unless the vessel has given the Captain of the Port the four hours advance notice required by § 156.118 of this title.

(12) Barges may not anchor in the deeper portions of anchorages or interfere with the anchoring of deep-draft vessels.

(13) Barges towed in tandem to an anchorage must be nested together when anchored.

(14) Any vessel anchored or moored in an anchorage adjacent to the Chesapeake Bay Bridge Tunnel or Monitor-Merrimac Bridge Tunnel (MMBT) must be capable of getting underway within 30 minutes with sufficient power to keep free of the bridge tunnel complex.

(15) A vessel may not anchor or moor in an anchorage adjacent to the Chesapeake Bay Bridge Tunnel or Monitor-Merrimac Bridge Tunnel (MMBT) if its steering or main propulsion equipment is impaired.

(d) Regulations for vessels handling or carrying dangerous cargoes or Class 1 (explosive) materials. This paragraph applies to every vessel, except a naval vessel, handling or carrying dangerous cargoes or Class 1 (explosive) materials.

(1) Unless otherwise directed by the Captain of the Port, each commercial vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials must be anchored or moored within Anchorage Berth E-1.

(2) Each vessel, including each tug and stevedore boat, used for loading or unloading dangerous cargoes or Class 1 (explosive) materials in an anchorage, must carry a written permit issued by the Captain of the Port.

(3) The Captain of the Port may require every person having business aboard a vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials while in an anchorage, other than a member of the crew, to hold a form of valid identification.

(4) Each person having business aboard a vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials while in an anchorage, other than a member of the crew, must present the pass or other form of identification prescribed by paragraph (d)(4) of this section to any Coast Guard boarding officer who requests it.

(5) The Captain of the Port may revoke at any time a pass issued under the authority of paragraph (d)(4) of this section.

(6) Each non-self-propelled vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials must have a tug in attendance at all times while at anchor.

(7) Each vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials while at anchor must display by day a red flag (Bravo flag) in a prominent location and by night a fixed red light.

(e) Regulations for Specific Anchorages. (1) Anchorages A, B, C, and D. Except for a naval vessel, military support vessel, or vessel in an emergency situation, a vessel may not anchor in Anchorages A, B, C, or D without the permission of the Captain of the Port. The Captain of the Port must consult with the Commander, Naval Amphibious Base Little Creek, before granting a vessel permission to anchor in Anchorages A, B, C, or D.

(2) Anchorage E. (i) A vessel may not anchor in Anchorage E without a permit issued by the Captain of the Port.

(ii) The Captain of the Port must give commercial vessels priority over naval and public vessels.

(iii) The Captain of the Port may at any time revoke a permit to anchor in Anchorage E issued under the authority of paragraph (e)(4)(i) of this section.

(iv) A vessel may not anchor in Anchorage Berth E-1, unless it is handling or carrying dangerous cargoes or Class 1 (explosive) materials.

(v) A vessel may not anchor within 500 yards of Anchorage Berth E-1 without the permission of the Captain of the Port, if the berth is occupied by a vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials.

(3) Anchorage F. A vessel having a draft less than 45 feet may not anchor in Anchorage F without the permission of the Captain of the Port. No vessel may anchor in Anchorage F for a longer period than 72 hours without permission from the Captain of the Port. Vessels expecting to be at anchor for more than 72 hours must obtain permission from the Captain of the Port.

(4) Anchorage G. (i) Except for a naval vessel, a vessel may not anchor in Anchorage G without the permission of the Captain of the Port.

(ii) When handling or transferring Class 1 (explosive) materials in Anchorage G, naval vessels must comply with Department of Defense Ammunition and Explosives Safety Standards, or the standards in this section, whichever are the more stringent.

(iii) When barges and other vessels are berthed at the Ammunition Barge Mooring Facility, located at latitude 36° 58' 34" N., longitude 76° 21' 12" W., no other vessel, except a vessel that is receiving or offloading Class 1 (explosive) materials, may anchor within 1,000 yards of the Ammunition Barge Mooring Facility. Vessels transferring class 1 (explosive) materials must display by day a red flag (Bravo flag) in a prominent location and by night a fixed red light.

(iv) Whenever a vessel is handling or transferring Class 1 (explosive) materials while at anchor in Anchorage G, no other vessel may anchor in Anchorage G without the permission of the Captain of the Port. The Captain of the Port must consult with the Commander, Naval Base Norfolk, before granting a vessel permission to anchor in Anchorage G.

(v) A vessel located within Anchorage G may not handle or transfer Class 1 (explosive) materials within 400 yards of Norfolk Harbor Entrance Reach.

(vi) A vessel may not handle or transfer Class 1 (explosive) materials within 850 yards of another anchored vessel, unless the other vessel is also handling or transferring Class 1 (explosive) materials.

(vii) A vessel may not handle or transfer Class 1 (explosive) materials within 850 yards of Anchorage F or H.

(5) Anchorage I: Anchorage Berths I-1 and I-2. A vessel that is 500 feet or less in length or that has a draft of 30 feet or less may not anchor in Anchorage Berth I-1 or I-2 without the permission of the Captain of the Port.

(6) Anchorage K: Anchorage Berths K-1 and K-2. A vessel that is 500 feet or less in length or that has a draft of 30 feet or less may not anchor in Anchorage Berth K-1 or K-2 without the permission of the Captain of the Port.

(7) Anchorage N. Portions of this anchorage are a special anchorage area under § 110.72aa of this part during marine events regulated under § 100.501 of this chapter.

(8) Anchorage O. (i) A vessel may not anchor in Anchorage O unless it is a recreational vessel.

(ii) No float, raft, lighter, houseboat, or other craft may be laid up for any reason in Anchorage O without the permission of the Captain of the Port.

(9) Anchorage Q: Quarantine Anchorage. (i) A vessel that is arriving from or departing for sea and that requires an examination by public health, customs, or immigration authorities may anchor in Anchorage Q.

(ii) Every vessel using Anchorage Q must be prepared to move promptly under its own power to another location when directed by the Captain of the Port, and must promptly vacate Anchorage Q after being examined and released by authorities.

(iii) When any vessel using Anchorage Q is under the charge of a pilot, the pilot must remain on board while the vessel is in Anchorage Q.

(iv) Any non-self-propelled vessel using Anchorage Q must have a tugboat in attendance while undergoing examination by quarantine, customs, or immigration authorities, except with the permission of the Captain of the Port.

(v) Any non-self-propelled vessel using Anchorage P must have a tugboat in attendance while undergoing examination by quarantine, customs, or immigration authorities, except with the permission of the Captain of the Port.

## **7. Anchorage Grounds and Safety Zone: Delaware Bay and River.**

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Delaware Bay and River around the Weeks Dredge and Barge 312 and placing additional requirements on vessels in Anchorage 6 off Deepwater Point, Anchorage 7 off Marcus Hook, and Anchorage 9 near the entrance to Mantua Creek. The Army Corps of Engineers dredges parts of the Delaware River including the Marcus Hook Range Ship Channel to maintain congressionally authorized depths. These regulations will help ensure the safety of vessels transiting the channel as well as vessels engaged in dredging operations.

DATES: This rule is effective from **September 15 to December 31, 2004.**

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CGD05-03-172 and are available for inspection or copying at Coast Guard Marine Safety Office Philadelphia, One Washington Avenue, Philadelphia, Pennsylvania, 19147, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade Kevin Sligh or Lieutenant Junior Grade Toussaint Alston, Coast Guard Marine Safety Office Philadelphia, at (215) 271-4889.

**SUPPLEMENTARY INFORMATION:**

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B) and (d)(3), the Coast Guard finds that good cause exists for not publishing a NPRM and for making this regulation effective less than 30 days after publication in the Federal Register. Allowing for a comment period is impracticable and contrary to public interest, since immediate action is needed to protect mariners against potential hazards associated with dredging operations in the Marcus Hook Range Ship Channel and to modify the anchorage regulations to facilitate vessel traffic. However, advance notification will be made to affected mariners via marine information broadcasts.

Background and Purpose

The U.S. Army Corps of Engineers (USACE) conducts dredging operations on the Delaware River in the vicinity of the Marcus Hook Range Ship Channel to maintain the forty-foot project depth.

To reduce the hazards associated with dredging the channel, vessel traffic that would normally transit through the Marcus Hook Range Ship Channel will be diverted through part of Anchorage 7 off Marcus Hook ("Anchorage 7") during the dredging operations. Therefore, additional requirements and restrictions on the use of Anchorage 7 are necessary. For the protection of mariners transiting in the vicinity of dredging operations, the Coast Guard is also establishing a safety zone around the dredging vessels, Weeks Dredge and Barge 312. The safety zone is intended to protect mariners from the potential hazards associated with dredging operations and equipment.

Discussion of Temporary Final Rule

Currently paragraph (b)(2) of 33 CFR 110.157 allows vessels to anchor for up to 48 hours in the anchorage grounds listed in Section 110.157(a), which includes Anchorage 7. However, because of the temporary re-routing of vessel traffic through Anchorage 7, the Coast Guard is adding a paragraph (b)(11) in 33 CFR 110.157 to provide additional requirements and restrictions on vessels using Anchorage 7. During the effective period, vessels desiring to use Anchorage 7 must obtain permission from the Captain of the Port Philadelphia at least 24 hours in advance. The Captain of the Port will permit only one vessel at a time to anchor in Anchorage 7 and will grant permission on a "first come, first served" basis. A vessel will be directed to a location within Anchorage 7 where it may anchor, and will not be permitted to remain in Anchorage 7 for more than 12 hours.

Any vessel that is arriving from or departing for sea requiring an examination by the public health service, customs or immigration authorities will be directed to an anchorage for the required inspection by the Captain of the Port on a case by case basis.

When Anchorage 7 is occupied, the Coast Guard expects that vessels normally permitted to anchor in Anchorage 7 will use Anchorage 6 off Deepwater Point ("Anchorage 6") or Anchorage 9 near the entrance to Mantua Creek ("Anchorage 9"), because they are the closest anchorage grounds to Anchorage 7. To control access to Anchorage 7, the Coast Guard is requiring a vessel desiring to anchor in Anchorage 7 obtain advance permission from the Captain of the Port. The Captain of the Port may be contacted by telephone at (215) 271-4807 or via VHF marine band radio, channels 13 and 16. To control access to Anchorages 6 and 9, the Coast Guard is requiring any vessel 700 feet or greater in length to obtain advance permission from the Captain of the Port before anchoring. The Coast Guard is also concerned that the holding ground in Anchorages 6 and 9 is not as solid as it is in Anchorage 7. Therefore, a vessel 700 to 750 feet in length is required to have one tug standing alongside while at anchor and a vessel over 750 feet in length must have two tugs standing alongside. The tug must be of sufficient size and horsepower to prevent an anchored vessel from swinging into the channel.

The Coast Guard is also establishing a safety zone within a 150-yard radius of the dredging operations being conducted in the Marcus Hook Range Ship Channel in the vicinity of Anchorage 7, by the Weeks Dredge Barge 312. The safety zone is intended to protect mariners transiting the area from the potential hazards associated with dredging operations. Vessels transiting the Marcus Hook Range Ship Channel will have to divert from the main ship channel through Anchorage 7 and must operate at the minimum safe speed necessary to maintain steerage and reduce wake. No vessel may enter the safety zone unless permission is received from the Captain of the Port.

Regulatory Evaluation

This temporary rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

Although this regulation requires certain vessels to have one or two tugs alongside while at anchor, the requirement only applies to vessels 700 feet or greater in length that choose to anchor in Anchorages 6 and 9. Alternate anchorage grounds such as Anchorage A (Breakwater) and Anchorage 1 (Big Stone) in Delaware Bay, are reasonably close and generally available. Vessels anchoring in Anchorages A and 1 are not required to have tugs alongside, except when specifically directed to do so by the Captain of the Port because of a specific hazardous condition. Furthermore, few vessels 700 feet or greater are expected to enter the port during the effective period. The majority of vessels expected to anchor are less than 700 feet and thus will not be required to have tugs alongside.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. This rule's greatest impact is on vessels greater than 700 feet in length, which choose to anchor in Anchorages 6 and 9. This rule will have virtually no impact on any small entities. Therefore, the Coast Guard certifies under section 605(b) of the regulatory Flexibility Act (5 U.S.C. 605(b)) that this will not have a significant impact on a substantial number of small entities.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking.

Small businesses may send comments on the actions of federal employees who enforce or otherwise determine compliance with federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guards, call 1-888-REG-FAIR (1-888-743-3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule would not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

## Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

## Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

## Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and will not create an environmental risk to health or risk to safety that might disproportionately affect children.

## Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

## Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

## Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

## Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) 42 U.S.C. 4321-43701, and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore this rule is categorically excluded under figure 2-1, paragraph (34)(f) and (g) of the Instruction from further environmental documentation.

## List of Subjects

33 CFR Part 110

Anchorage Grounds

33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR parts 110 and 165 as follows:

## PART 110—ANCHORAGE REGULATIONS

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; Department of Homeland Security Delegation No. 0170.1 and 33 CFR 1.05-1(g).

2. Amend § 110.157 ~~(b)(11)~~, by adding paragraphs ~~(b)(11)~~, (b)(11)(i), (b)(11)(ii)(a)(b)(c)(d), and (b)(11)(iii) to read as follows:

## § 110.157 Delaware Bay and River

\*\*\*\*\*

(b) \*\*\*

(11) From September 15 until December 31 2004, additional requirements and restrictions in this paragraph for the use of anchorages defined in paragraphs (a)(7), (a)(8), and (a)(10) of this section apply.

(i) Before anchoring in Anchorage 7 off Marcus Hook, as described in paragraph (a)(8) of this section, a vessel must first obtain permission from the Captain of the Port, Philadelphia, at least 24 hours in advance of arrival. Permission to anchor will be granted on a "first-come, first-served" basis. The Captain of the Port, Philadelphia will allow only one vessel at a time to be at anchor in Anchorage 7, and no vessel may remain within Anchorage 7 for more than 12 hours. Any vessel that is arriving from or departing for sea that requires an examination by the public health service, customs or immigration authorities will be directed to an anchorage for the required inspection by the Captain of the Port on a case-by-case basis.

(ii) For Anchorage 6 off Deepwater Point, as described in paragraph (a)(7) of this section, and Anchorage 9 as described in paragraph (a)(10) of this section.

(a) Any vessel 700 feet or greater in length requesting anchorage shall obtain permission from the Captain of the Port, Philadelphia, Pennsylvania, at least 24 hours in advance.

(b) Any vessel from 700 to 750 feet in length shall have one tug alongside at all times while the vessel is at anchor.

(c) Any vessel greater than 750 feet in length shall have two tugs alongside at all times while the vessel is at anchor.

(d) The Master, owner or operator of a vessel at anchor shall ensure that any tug required by this section is of sufficient horsepower to assist with necessary maneuvers to keep the vessel clear of the navigation channel.

(iii) As used in this section, Captain of the Port means the Captain of the Port, Philadelphia, Pennsylvania or any Coast Guard commissioned, warrant, or petty officer authorized to act on his behalf. The Captain of the Port may be contacted by telephone at (215) 271-4807 or via VHF marine band radio, channels 13 and 16.

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## PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05-1(G), 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1

2. Add temporary § 165.T172. to read as follows:

## § 165.T172 Safety Zone; Delaware River

(a) Definition. As used in this section, Captain of the Port means the Commanding Officer of the Coast Guard Marine Safety Office/Group Philadelphia or any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on his behalf. The Captain of the Port may be contacted by telephone at (215) 271-4807 or via VHF marine band radio, channels 13 and 16.

(b) Location. The following area is a safety zone:

Between September 15<sup>th</sup> and December 31<sup>st</sup>, ~~annually~~, all waters located within a 150-yard radius arc centered on the dredging operation and barge, conducting dredging operations in or near the Marcus Hook Range Ship Channel in the vicinity of Anchorage 7.

**(c) Regulations.**

~~(1)~~ All persons are required to comply with the general regulations governing safety zones in 33 CFR 165.23 of this part.

~~(2)~~ All Coast Guard vessels enforcing this safety zone or watch officers aboard the Dredge and Barge can be contacted on VHF marine band radio, channels 13 and 16. The Captain of the Port can be contacted at (215) 271-4807.

## **U.S.C.G. AUXILIARY BOATING SAFETY COURSES--DE, NJ and PA**

### **Advanced Coastal Navigation**

Date	State	City	Location	Time	Duration	Flotilla	Phone
10/13/2004	NJ	Bordentown	Bordentown Regional	7:00 PM	10 weeks	06-01	609-883-1946
11/10/2004	NJ	Mt. Laurel	Hartford School	7:00 PM	11 weeks	13-05	856-983-4171

### **America's Boating Course**

Date	State	City	Location	Time	Duration	Flotilla	Phone
10/ 6/2004	NJ	Toms River	Cattus Island Park	7:30 PM	6 weeks	16-06	732-244-7906
10/23/2004	NJ	Williamstown	Methodist Church	8:00 AM	1 day	03-05	856-848-4351
10/ 2/2004	PA	Reading	2058 River Road	8:00 AM	1 day	11-09	610-944-0979
10/16/2004	PA	Tullytown	D & S Marina	9:00 AM	2 weeks	10-10	215-736-2702

### **Basic Coastal Navigation**

Date	State	City	Location	Time	Duration	Flotilla	Phone
10/ 6/2004	NJ	Toms River	Toms River	7:30 PM	8 weeks	16-06	732-244-7906
10/ 4/2004	PA	Soudertown	Indian Creek Middle	7:00 PM	8 weeks	10-06	215-362-4972

### **Boating Safely**

Date	State	City	Location	Time	Duration	Flotilla	Phone
10/18/2004	NJ	Bordentown	Bordentown Regional	7:00 PM	5 weeks	06-01	609-883-1946
10/ 2/2004	NJ	Pt. Pleasant	Fire Co #1, 400 Arnold	8:00 AM	1 lesson	16-01	732-905-0532

### **Boating Skills and Seamanship**

Date	State	City	Location	Time	Duration	Flotilla	Phone
10/14/2004	NJ	Berlin	Berlin Community	7:00 PM	10 weeks	13-05	856-767-7969
10/ 6/2004	NJ	Brick Township	Brick Town Municipal	8:00 PM	6 weeks	16-05	732-899-1391
3/ 1/2005	NJ	Mt. Laurel	Hartford School	7:00 PM	6 classes	13-05	856-983-4171
1/ 4/2005	PA	Chambersburg	Chambersburg Area Sr.	7:00 PM	13 weeks	05-06	717-532-5991
1/ 4/2005	PA	Chambersburg	Chambersburg Area Sr.	7:00 PM	8 weeks	05-06	717-532-5991
10/ 4/2004	PA	Philadelphia	Evangelical Manor	8:00 PM	8 weeks	02-01	215-547-1153

### **Global Positioning System**

Date	State	City	Location	Time	Duration	Flotilla	Phone
10/16/2004	NJ	West Trenton	1613 Reed Road	8:30 AM	1 day	06-09	609-737-1441

## **U.S.C.G. AUXILIARY BOATING SAFETY COURSES--DC, MD, VA and NC**

Date	City	State	Zip	Location	Course	Days	Ses	Phone no.
1/10/2005	Washington	DC		Harbor Police Station	A C N	M&W	14	703 768 8134
10/4/2004	Great Mills	Md		Great Mills High School	STCR	T&Th	5	301 862 7284
10/9/2004	Easton	Md	21601	MEBA 27050 St Michaels Road	GPS	Sat	1	410 745 3696
10/19/2004	Annapolis	Md	21401	West Annapolis Elementary School	STCR	T&Th	4	410 956 6979
10/23/2004	Annapolis	Md	21403	Eastport Annapolis Neck Library	GPS	Sat	1	410 798 5952
11/2/2004	Harwood	Md	20776	Southern Senior High School	STCR	T&Th	5	410 798 5952

11/9/2004	Annapolis	Md	21401	West Annapolis Elementary School	STCR	T&Th	4	410 956 6979
12/7/2004	Annapolis	Md	21401	West Annapolis Elementary School	STCR	T&Th	4	410 956 6979
1/4/2005	Great Mills	Md		Great Mills High School	BS&S	T&Th	8	301 862 7284
2/10/2005	Great Mills	Md		Great Mills High School	Intro to Nav	Thurs	2	301 862 7284
3/1/2005	Great Mills	Md		Great Mills High School	BS&S	T&Th	8	301 862 7284
4/13/2005	Great Mills	Md		Great Mills High School	BCN	Wed	7	301 862 7284
5/31/2005	Solomans	Md		West Marine	STCR		5	301 862 7284
6/16/2005	Solomans	Md		West Marine	STCR		5	301 862 7284
10/14/2004	Moorhead City	NC	28557	Edward Jones Office	ABC	Th&M	6	252 728 6818
10/16/2004	Mooreville	NC	28117	Rocky Mount U. Meth. Church	BSC	Sat	1	704 663 9315
10/23/2004	New Bern	NC		O. Marks Building	BS&S	Sat	1	252 514 6748
10/25/2004	Wilmington	NC		Cape Fear Community College	BCN	M&Th	6	910 686 4479
11/20/2004	Wilmington	NC		Cape Fear Community College	GPS	SAT	1	910 686 4479
1/5/2005	Southport	NC	28461	Progress Energy Media Center	BS&S	M&Th	13	910 253 3353
10/4/2004	Portsmouth	Va	23703	Western Branch Diesel Trng Center	BS&S	M&Th	13	757 483 6632
10/7/2004	Newport News	Va	23606	Warwick High School	BS&S	M&Th	7	757 868 6436
10/12/2004	Kilmarnock	Va	22482	Lancaster Community Library	A C N	T&Th	8	804 462 7701
10/12/2004	Gloucester Point	Va	23062	Virginia Institute of Marine Science	Powering	Tues	1	804 642 9570
10/14/2004	Gloucester Point	Va	23062	Virginia Institute of Marine Science	Lines & Knots	Thurs	1	804 642 9570
10/19/2004	Gloucester Point	Va	23062	Virginia Institute of Marine Science	Weather	Tues	1	804 642 9570
10/21/2004	Gloucester Point	Va	23062	Virginia Institute of Marine Science	Radio	Thurs	1	804 642 9570
10/23/2004	Chesapeake	Va		Centerville Waterway Marina	BSC	Sat		757 546 9968
10/27/2004	Richmond	Va	23228	Department of Motor Vehicles	GPS	W&M	2	804 741 5790
11/11/2004	Ashland	Va	23005	Fire Station #10	BSC	Thurs	4	804 883 6442
2/2/2005	Richmond	Va	23228	Department of Motor Vehicles	BS&S	M&W	14	804 741 5790
3/23/2005	Richmond	Va	23228	Department of Motor Vehicles	GPS	M&W	2	804 741 5790

**SALLY BRICE-O'HARA**  
Rear Admiral, U.S. Coast Guard  
Commander, Fifth Coast Guard District

